

Washington, Saturday, February 10, 1945

The President

EXECUTIVE ORDER 9519

EXTENSION OF THE PROVISIONS OF EXECU-TIVE ORDER No. 9001 OF DECEMBER 27, 1941, TO THE OFFICE OF WAR MOBILIZA-TION AND RECONVERSION, THE OFFICE OF CONTRACT SETTLEMENT, THE SURPLUS PROPERTY BOARD, AND THE RETRAINING AND REEMPLOYMENT ADMINISTRATION

Correction

The date of signing of Executive Order 9519, appearing at page 1661 of the issue for Friday, February 9, 1945, should read "January 31, 1945."

EXECUTIVE ORDER 9520

DESIGNATING THE VICE CHAIRMAN OF THE BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

. Correction

The date of signing of Executive Order 9520, appearing at page 1662 of the issue for Friday, February 9, 1945, should read "January 31, 1945."

-Regulations

TITLE 7—AGRICULTURE

Chapter I—War Food Administration (Standards, Inspections, Marketing Practices)

Subchapter C-Regulations Under the Farm Products Inspection Act

PART 51-FRUITS, VEGETABLES, AND OTHER PRODUCTS (INSPECTION AND CERTIFICA-

BASIS FOR CHARGES

Pursuant to the provisions of the Perishable Agricultural Commodities Act. 1930 (46 Stat. 531, as amended; 7 U.S.C. 499a et seq.), and the provisions of the Department of Agriculture Appropriation Act, 1945, approved June 28, 1944 (58 Stat. 425), the provisions in § 51.36 of the regulations issued thereunder relating to inspection and certification of

fruits, vegetables, and other products (7 CFR, Cum. Supp., 51.36), are hereby amended by deleting the figure "\$2" from the last sentence thereof and inserting, in lieu thereof, the figure "\$2.50."

This amendment shall become effective 30 days after the date of issuance hereof.

(46 Stat. 531, as amended, 7 U.S.C. 499a et seq.; 58 Stat. 425; E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783)

Issued at Washington, D. C., this 8th day of February 1945.

ASHLEY SELLERS, Assistant War Food Administrator. [F. R. Doc. 45-2324; Filed, Feb. 9, 1945; 11:19 a. m.]

Chapter XI-War Food Administration (Distribution Orders)

[WFO 126]

PART 1410-LIVESTOCK AND MEATS

DIRECTOR OR ACTING DIRECTOR OF MARKETING SERVICES DELEGATION OF AUTHORITY UN-DER OES DIRECTIVE 31

Pursuant to the authority vested in me by Directive 31 of the Office of Economic Stabilization, issued January 30, 1945 (10 F.R. -1336), and to effectuate the purposes thereof, it is hereby ordered as follows:

§ 1410.21 Delegation of authority to establish percentages and slaughter bases, and to grant or deny relief—(a) Authority delegated. The Director of Marketing Services, or in his absence or inability to act, the Acting Director of Marketing Services, is hereby authorized and directed as follows:

(1) To establish, publish, and certify to the Defense Supplies Corporation, from time to time and with respect to any class or species of livestock, percentages of the total slaughter of livestock during particular accounting periods of 1944 on the basis of which livestock slaughter payments may be made, during corresponding accounting periods

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Book 1 of the 1943 Supplement to the Code of Federal Regulations may be obtained from the Superintendent of Documents, Government Printing Office, at \$3.00 per copy. This book contains the material in Titles 1-31, including Presidential documents, issued during the period from June 2, 1943, through December 31, 1943.

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of 1945, to slaughterers whose establishments are not operated under Federal inspection; and

(2) To establish slaughter bases against which percentages shall be computed in those cases where no livestock slaughter payment was claimed for a particular accounting period of 1944, and to grant or deny relief in cases where it is contended that the established percentage, when applied to the actual live weight slaughtered during a particular accounting period of 1944, will result in an exceptional or unreasonable hardship. In establishing such slaughter bases, and in granting or denying such relief, the Director or Acting Director shall take into consideration any facts submitted by the petitioner, together with such other facts as may be deemed material.

(b) Effective date. This order shall become effective at 12:01 a. m., e. w. t., February 9, 1945.

(E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R.

Issued this 8th day of February 1945.

ASHLEY SELLERS. Assistant War Food Administrator

[F. R. Doc. 45-2311; Filed, Feb. 8, 1945; 3:25 p. m.]

IWFO 126-11

PART 1410-LAVESTOCK AND MEATS LIVESTOCK SLAUGHTER PAYMENTS

Pursuant to the authority vested in me by War Food Order No. 126, issued February 8, 1945, and to effectuate the purposes thereof, it is hereby ordered as

§ 1410.22 Establishment of classes of livestock and percentages of 1944 slaughter—(a) Classes of livestock and percentages. There are hereby established and certified to the Defense Supplies Corporation the following percentages of livestock slaughtered during the ac-counting periods of 1944 for use in determining maximum livestock slaughter payments, during corresponding accounting periods of 1945, to all slaughterers whose plants are not operated under Féderal inspection:

Class of Livestock and Percentage of Live Weight Slaughtered During Accounting Period of 1944

Cattle and	calves	
Hogs		70

(b) Effective date. This order shall become effective at 12:01 a. m., e. w. t., February 9, 1945. The percentages set forth in paragraph (a) hereof shall apply to livestock slaughter payments made for accounting periods in 1945 which begin after February 20, 1945, and shall remain in effect until further order of the Director of Marketing Services.

(E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681, WFO 126)

Issued this 8th day of February 1945.

C. W KITCHEN. Director of Marketing Services.

[F. R. Doc. 45-2312; Filed, Feb. 8, 1945; 3:25 p. m.]

[WFO 63-2]

PART 1596-FOOD IMPORTS

FISH

Pursuant to the authority vested in me by the provisions of War Food Order No. 63 (9 F.R. 13280, 14877, § 1596.1 (d), 10 F.R. 103), Appendix A to that order is revised to add the following items

thereto:	
Commerce	import
	s No.
Fish, other, canned:18	
In oil, or in oil and other sub-	
	000 000
stances0	
	008,700
Not in oil, or in oil and other	
substances0	067, 900
Herring, canned, smoked or kip-	
pered or in tomato sauce 120	087, 600
Salmon, canned, not in oil, or in oil	
	001 100
and other substances 12 0	001' 100
Sardines and other herring,	
canned 12 (including snacks, tid-	
bits, rollmops and sprats) 0	067.700
This revision shall be effective o	n Feb-
ruary 15, 1945.	
(E.O. 9280, 7 F.R. 10179; E.O. 9	322. 8
F.R. 3807; E.O. 9334, 8 F.R. 5423	
THE DUTY HILL BOOK, O THE OXAL	,

9392, 8 F.R. 14783; W.F.O. No. 63, 9 F.R. 13280, 14877; 10 F.R. 103)

Issued this 8th day of February 1945.

RALPH W OLLISTEAD, Director of Supply.

[F. R. Doc. 45-2313; Filed, Feb. 8, 1945; 3:29 p. m.]

[WFO 120-3]

PART 1405—FRUITS AND VEGETABLES IRISH POTATOES

Pursuant to the authority vested in me by War Food Order No. 120 (9 F.R. 14475) issued on December 8, 1944, as amended (10 F.R. 103) and to effectuate the purposes of such order, as amended, it is hereby ordered as follows:

§ 1405.52. Territorial scope—(a). Definitions. Each term defined in War Food Order No. 120, as amended, when used herein shall have the same meaning as is set forth for the respective term in War Food Order No. 120, as amended.

(b) Specifications relative to territorial scope. The provisions of War Food Order No. 120, as amended, shall be applicable to any shipment of Irish potatoes from each of the following areas:

(1) The State of Colorado, and

(2) The counties of Cavalier, Ramsey, Nelson, Steele, Pembina, Walsh, Grand Forks, Traill, Cass, and Richland in the State of North Dakota; and the counties of Kittson, Marshall, Pennington, Red Lake, Polk, Norman, Mahnomen, Clay, Becker, Wilkin, and Otter Tail in the State of Minnesota.

(c) Effective date. This order shall become effective at 12:01 a. m., e. w. t., February 9, 1945.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783; WFO 120, 9 F.R. 14475, 10 F.R. 103)

Issued this 7th day of February 1945.

C. W. KITCHEN, Director of Marketing Services.

[F. R. Doc. 45-2304; Filed, Feb. 8, 1945; 12:07 p. m.]

TITLE 26-INTERNAL REVENUE

Chapter I-Bureau of Internal Revenue

Subchapter C-Miscellaneous Excise Taxes

[T. D. 5438]

PART 142-TAX-FREE WITHDRAWALS OF CI-GARS FROM CUSTOMS BONDED WARE-HOUSES, CLASS 6

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Shipment and use restricted. 142.2

142.3 Bond.

142.4 Packing, marking or branding.

142.5

Shipping containers.

Application for withdrawal. 142.6

142.7 Inspection and verification of shipment.

Sec. 142.8

Report of inspecting officer.

Delay in withdrawal of shipment; 142.9 cancelation of chipment.

142.10 Change in consignee. 142.11 Withdrawal of shipment and disposition of original of application,

Form 550. 142.12 Return of shipment to warehouse.

Tax liability. 142.13

Credit for shipment. 142.14

142.15 Penalties.

AUTHORITY: §§ 142.0 to 142.15, inclusive, issued under sec. 2135 (a) (1), I.R.O. (63 Stat. 467), as amended by Act approved Mar. 23 1943 (57 Stat. 42.)

§ 142.0 Scope of regulations. The regulations in this part relate to the withdrawal without payment of tax from customs bonded manufacturing warehouses, class 6, for shipment to territories of the United States for the use of members of the military and naval forces therein or for export to foreign countries or shipment to possessions of the United States, of cigars produced in such warehouses of imported tobacco on which the duties have been paid. Duties paid on tobacco used in the manufacture of cigars withdrawn under the regulations in this part may not be recovered. However, the regulations in this part are exclusive only with respect to the withdrawal of cigars for shipment to a territory of the United States for the use of the armed forces of the United States. They are not exclusive as to withdrawals for export to foreign countries or shipment to some possessions of the United States, which withdrawals may be accomplished in accordance with customs regulations and procedure regardless of the regulations in this part. The regulations in this part do not relate to any withdrawal of cigars made of imported tobacco on which the customs duties have not been paid, which withdrawals must always be made in accordance with customs regulations and procedure.

§ 142.1 Definitions. As used in the regulations:

(a) The term "collector" means the collector of internal revenue for the district in which is located the customs bonded manufacturing warehouse, class 6, from which withdrawal of cigars under the regulations in this part is made or intended to be made.

(b) The term "manufacturer" means the proprietor of a customs bonded manufacturing warehouse, class 6.

(c) The term "warehouse" means a customs bonded manufacturing warehouse, class 6, where cigars withdrawn, or intended to be withdrawn, under the regulations in this part, are made.

(d) The term "Commissioner" means the Commissioner of Internal Revenue.

SEC. 2135 [Internal Revenue Code]. Ex-ELIPTION FROM TAX (As amended by Act approved March 23, 1943, 57 Stat. 42).

(a) Shipments to foreign countries and possessions of the United States—(1) Manufactures. Manufactured tobacco, cigars or cigarettes may be removed for export to a foreign country or for ahipment to a possession of the United States (or, until the date on which the President proclaims

that hestilities in the present war have terminated, to a territory of the United States for the use of members of the military or naval forces of the United States) without payment of tax under such rules and regulations and the making of such entries, and the filing of such bonds and bills of lading as the Commissioner, with the approval of the Secretary, shall prescribe.

§ 142.2 Shipment and use restricted. The withdrawal of cigars under the regulations in this part without payment of tax may be made only for shipment to the Territories of Alaska and Hawaii, and then only for the use of members of the military and naval forces therein, or for export to foreign countries or shipment to possessions of the United States. Withdrawals for the use of the military or naval forces in such territories without payment of tax are authorized only until the President proclams that hostilities in the present war have termi-

§ 142.3 Bond. Before or at the time of filing his first application, a manufacturer who desires to withdraw cigars from his warehouse without payment of tax under the regulations in this part. shall furnish to the collector a bond, in duplicate, in such form as the Commissioner shall prescribe, with surety satisfactory to the collector. The penal sum. of the bond shall be sufficient to cover the estimated amount of tax which shall at any time constitute a charge against the bond, and in no case less than \$5,000.00. When the bond, in duplicate, is received by the collector, he shall, if the bond meets with his approval, make endorsement to that effect on both the original and duplicate of the bond and forward the duplicate to the Commissioner. The liability under such bond shall be a continuing one, and will be subject to increase or decrease as withdrawals are made and completed. When the limit of liability under such bond has been reached, further withdrawals may not be made thereunder. Instead, a new bond, in duplicate, must be filed by the manufacturer, under which subsequent withdrawals shall be made.

§ 142.4 Packing, marking or branding. Cigars when withdrawn under the regulations in this part shall be put up in packages of the same sizes and descriptions as described by the law and regulations for like cigars removed for domestic consumption. Each box or package of cigars shall have affixed in place of the internal revenue stamp a label, which label shall be yellow in color and on which shall be printed in red the following legend:

Free of tax. For use only of United States military or naval forces in Alaska and Ha-vall, or for use outside the jurisdiction of the internal revenue laws of the United States.

§ 142.5 Shipping contamers. Each shipping container in which cigars are to be withdrawn under the regulations in this part shall be plainly numbered by the manufacturer, the number to be a consecutive one of a series adopted by the manufacturer for withdrawals under the regulations in this part, to begin with No. 1, and begin again with No. 1 on July 1 of each subsequent year.

Shipping containers shall not be closed and fastened until their contents have been inspected and verified by a customs officer at the warehouse, as hereinafter prescribed.

§ 142.6 Application for withdrawal. An application on internal revenue Form 550, appropriately modified, shall be filed for each shipment intended to be withdrawn under the regulations in this part. Such application shall be executed and filed in triplicate by the manufacturer with the collector. Each application shall bear a serial number, such number to be a consecutive one of a series adopted by the manufacturer for withdrawals under the regulations in this part, to begin with No. 1 to cover the first shipment, and commencing again with No. 1 on July 1 of each year thereafter. Copies of each application shall bear the same serial number as the original. Each application shall be completely and legibly modified and filled in. The cigars described in the application shall not be withdrawn from the warehouse until after inspection and verification by the customs officer as hereinafter required.

Upon receipt of each application, properly executed, the collector shall, if the tax liability on the particular shipment does not increase the outstanding liability in excess of the penal sum of the bond under which the withdrawal is to be made, immediately after signing each copy of the application, forward the original and two copies of the application to the customs officer in charge of the warehouse from which the shipment is to be withdrawn, in order that the customs officer can make proper inspection and verification of the cigars described in the application.

§ 142.7 Inspection and verification of shipment. It shall be the duty of the customs officer in charge of the warehouse from which the shipment of cigars is to be withdrawn under the regulations in this part, to inspect the shipment and determine definitely that the shipment contains the exact class and quantity of cigars specified in the application, and that the boxes or packages of such cigars meet the requirements of the regulations of this part. The packing of the shipping containers shall be under the supervision of the customs officer who will see that the number required by the regulations in this part is properly inscribed on each shipping container.

Cigars withdrawn under the regulations in this part may be stored within the jurisdiction of the internal revenue laws of the United States only under Government control and supervision, or with the approval of the Commissioner. Cigars withdrawn and otherwise held in such jurisdiction shall be subject to seizure by and forfeiture to the United States.

§ 142.8 Report of inspecting officer After inspection and verification of the

shipment have been completed and the shipping containers have been made ready for withdrawal and the customs officer has filled in and signed his report on the original and each copy of the application, the shipment shall be released for withdrawal by the manufacturer. One copy of the application is to be retained for customs purposes, the other copy forwarded immediately to the collector and the original delivered to the manufacturer to go forward with the shipment and be disposed of as hereinafter prescribed.

§ 142.9 Delay in withdrawal of shipment; cancelation of shipments. In case a shipment is not withdrawn from the warehouse within ten days after inspection and verification as provided in the regulations in this part, the manufacturer must advise the collector as to the probable date of withdrawal. If the order for the shipment has been canceled, the manufacturer should so advise the collector and request permission to return the shipment to stock in the warehouse under the supervision of the customs officer in charge of the warehouse.

§ 142.10 Change in consignee. If, after inspection and verification, but before withdrawal of the shipment, the manufacturer for good and sufficient reasons desires to change the consignee or the address of the original consignee shown by the application, the manufacturer shall forward to the collector for correction and endorsement the original of the application delivered to him by the inspecting officer with a letter setting forth his reasons for the change. The collector, after making correction and endorsement of the change, shall forward the original of the application to the customs officer in charge of the warehouse with a letter instructing the customs officer to make similar change in the copy of the application which he retained after inspection and verification of the shipment, and to deliver the original of the application to the manu-

§ 142.11 Withdrawal of shipment and disposition of the original application, Form 550. After the shipment has been released for withdrawal, the manufacturer shall enter on the original of the application the actual date of withdrawal of the shipment from the warehouse, after which the shipment may go forward to the consignee. The original of the application shall then be disposed of by the manufacturer as hereinafter prescribed.

(a) Shipments other than by parcel post. If the shipment is to be made directly to the consignee outside of the continental United States, the original of the application on Form 550 shall be forwarded by the manufacturer directly to the consignee. If the shipment is made to an Army port of embarkation or Navy supply depot for transhipment outside of the United States, the original Form 550 shall be forwarded by the manufacturer to the Army port transporta-

tion officer or Navy supply officer, as the case may be.

The manufacturer shall insert on the back of the original Form 550 immediately preceding the "Certificate of Mailing by Parcel Post" a "Certificate of Receipt" as follows:

CERTIFICATE OF RECEIPT

I hereby certify that the cigars herein described, except for the discrepancies noted below, were delivered to me for shipment or delivery only for consumption or use beyond the jurisdiction of the internal revonue laws of the United States, or for delivery to a territory of the United States for the use of the military or naval forces therein. Discrepancies:

(Date) (Name and Title or Rank)

Upon receipt and verification of the shipment, the consignee to whom the original Form 550 was forwarded by the manufacturer shall execute the "Certificate of Receipt" appearing thereon, noting any discrepancies in the shipment, and return the executed form to the manufacturer, who shall immediately file the form with the collector.

(b) Shipment by parcel post. If the shipment is to be made by parcel post, the manufacturer shall execute on each shipping container or parcel a waiver of his right to withdraw the container or parcel from the mails, and then at the time of mailing present the original Form 550 covering the shipment to the postmaster or his agent for execution of the certificate of mailing provided on the back of the form. The original Form 550 so executed shall be filed promptly thereafter by the manufacturer with the collector.

§ 142.12 Return of shipment to ware-house. If, after withdrawal, the manufacturer desires to return a shipment to the warehouse, he must make applica-tion to the Commissioner for permission to do so. The manufacturer must identify the shipment, and show where it has been since it left the factory, where held and in whose custody it is at the time of making application, and the reasons for returning the shipment. After receipt of such application, the Commissioner will issue appropriate instructions. The return of cigars to the warehouse will operate only to relieve the manufacturer of liability to internal revenue tax. Cigars so returned may not thereafter be withdrawn with benefit of refund of duties on the tobacco of which the cigars were made. Section 558, Tariff Act of 1930, as amended.

§ 142.13 Tax liability. The responsibility for the delivery to the consignee of cigars withdrawn under the regulations in this part shall rest upon the manufacturer making the withdrawal, who will be liable for the internal revenue tax on any cigars withdrawn or delivered otherwise than in accordance with the regulations in this part.

§ 142.14 Credit for shipment. Upon receipt of the original of the application

on Form 550 with the prescribed "Certificate of Receipt" or "Certificate of Mailing by Parcel Post" properly executed with no shortage reported, the collector shall enter the proper credit in the account, Form 94, which he shall keep with the bond under which the shipment was made. In case a shortage is reported, the collector shall enter credit for the -cigars actually delivered and require the manufacturer to pay the amount of tax due on the shortage.

§ 142.15 Penalties. Various sections of the Internal Revenue Code impose severe penalties for the unlawful withdrawal of cigars from the place of manufacture and for the possession, use, or delivery within the United States (including its territories) of manufactured cigars upon which the tax has not been These sections apply to cigars withdrawn without the payment of tax under the regulations, in this part, and, accordingly, any person withdrawing, possessing, using, or delivering any such cigars otherwise than as authorized by the regulations in this part may be subject to the penalties prescribed by the sections of the Code.

[SEAL.] JOSEPH D. NUNAN, Jr., Commissioner of Internal Revenue.

> W.R. JOHNSON, Commissioner of Customs.

Approved: February 7, 1945.

Joseph J. O'Connell, Jr., Acting Secretary of the Treasury.

[F. R. Doc. 45-2314; Filed, Feb. 8, 1945; 8:41 p. m.l

TITLE 32—NATIONAL DEFENSE

Chapter IX-War Production Board

AUTHORITY: Regulations in this chapter. unless otherwise noted at the end of documents affected, issued under sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236 and 56 Stat. 177; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; W.P.B. Reg. 1 as amended Dec. 31, 1943, 9 F.R. 64.

PART 3290-TEXTILE, CLOTHING AND LEATHER

[General Conservation Order M-385, Interpretation 1 as Amended Feb. 9, 1945]

The following amended interpretation is assued with respect to General Conservation M-385:

- 1. Q. Does the four weeks' supply referred to in paragraph (b) (3) include textiles obtained without the use of the preference rating, that is, so called "free" goods?—A.
- 2. Q. Does the four weeks' supply referred to in paragraph (b) (3) include all textiles that the manufacturer has on hand?—A. No. It includes only the textiles of the same construction as the textiles for which the rating is used.
- 3. Q. May a processor who has on hand less than four weeks' supply of a textile accept delivery of the same textile on a rating if as a result of said delivery he will have on hand more than a four weeks' supply?—A. Yes. For example, if a processor has on hand 3½ weeks' supply he may accept delivery of an additional four weeks' supply. How-

over, he may not at any one time accept de-

livery of more than a four weeks' supply.

4. Q. Does the supply "on hand" referred to in paragraph (b) (3) include goods not located at the Processor's plant ready for production?—A. Yes, It includes goods wherever located if title has pacced to the

5. Q. Do the provisions of paragraph (j) of Conservation Order M-317 apply to cotton textiles as defined in that order which are obtained with the rating assigned by order M-385?—A. Yes. Paragraph (j) of M-317 provides that "no person chall accept delivery of any cotton textiles if his aggregate inventory exceeds or would then exceed the lesser of (1) a practicable minimum working inventory, or (2) his requirements for 90 days."

6. Q. Do the provisions of paragraph (b) (7) apply to all textiles obtained on a rating assigned by this order?—A. Yes. All the textiles obtained on the rating must be used for the production of the item for which the rating was used, and production must be completed within 60 days after delivery of

the textiles.

7. Q. May processors appeal from the provisions of any of the paragraphs of this order?—A. Yes. Any percon who considers that compliance with any of the provisions of this order would work an exceptional and unreasonable hardship on him may appeal

for relief pursuant to paragraph (h) (4).

8. Q. Do the words "a processor of the same item" in paragraph (b) (1) mean only a person who made the item from the particular fabrics listed for it in Column 2 of preference rating schedule of Supplement II?—A. No. Any percon who made the item, regardless of the material which was used. may use the rating assigned by the order if he meets and complies with the require-ments of the order. For example, in Group 1 of the preference rating achedule of Supplement II the item listed is "Dresses: Micres and women's, sizes 12 to 44" Anyone who made dresses in these sizes, whether of cot-Anyone who ton, rayon, wool or other fabrics, may use the rating if he is otherwise qualified.

9. Q. Do the limitations of paragraph (b) (2) on the total production of an item apply to a processor who does not use the rating

assigned by this order?—A. No.
10. Q. Do the limitations of paragraph (b) (2) on the total production of an item, regardless of price, apply to a processor's production of that item made of materials other than the textiles for which a rating is assigned?—A. Yes. They apply to the processor's total production of that item, regardless of the material out of which it is made. Thus, if a processor makes dresses out of rayon, wool, or other fabrics and uses a rating to obtain cotton textiles the total production of all dresses, regardless of the ma-terial from which they are made, may not exceed his base period production of dresses.

11. Q. Are the prices indicated for each item in the preference rating cchedule of Supplement II not prices, or are they subject to the usual discounts?—A. The prices listed are gross. They are subject to the customary trade and other discounts. For example, if the processor's usual practice is to sell the item at a price less 8% discount, the item must be produced for cale by him at or below the price indicated for it in the preference rating schedule less 8%.

12. Q. Do the provisions of paragraph (e) as to equitable distribution apply to all garances to appropriate the province of paragraph (e) the province by a processor, which are provinced by the provinced by

ments manufactured by a processor, whether from "free" goods or rated goods?—A. The provisions of this paragraph apply to the total production of each item for which the rating is used, including production from "free" goods, as well as from goods obtained on the rating. Thus, if a person uses a rating to get material to make misses' and women's dresses up to \$24.00 per dozen, he must comply with the provisions of paragraph (e) with respect to his total production of dresses up to \$24.00 per dozen, even though a large part of this production is from "free"

13. Q. Are nurses' uniforms, or any other type of uniform, included within the term "dresses" in Groups 1 and 2 of the preference rating cchedule of Supplement II?-A. No.

14. Q. May a percon who manufactures an item for the armed forces, or any other government agency, consider his dollar volume of his production of this item for the government in determining his right to use a rating under (b) (1), or his production quota under (b) (2)?—A. Yes. However, he may not take into consideration his production of other items for the government. For example, if a percon manufactured shirts for the Army during the base period, he is qualifled to use the rating assigned by Groups 8 and 10 of the preference rating schedule of Supplement II to make men's shirts, and he may consider his dollar volume of production for the Army in computing his quota under paragraph (b) (2). However, if he made men's chorts for the Army, he may not con-sider this production for the purpose of qualifying him to use a rating for men's shirts, or in computing his production quota for men's chirts.

15. Q. May a percon, who during the bass period was engaged in production for the armed forces making items not listed in the preference rating schedule, use a rating assigned by Supplement II for an item listed in the cchedule?—A. No. However, he may apply for an authorization pursuant to para-

graph (b) (8).

Issued this 9th day of February 1945.

WAR PRODUCTION BOARD, By J. JOSEPH WHELAN, Recording Secretary.

[F. R. Doc. 45-2339; Filed, Feb. 9, 1945; 11:40 a. m.]

PART 3290-TEXTILE, CLOTHING AND LEATHER

[General Concervation Order M-385, Interpretation 2, as Amended Feb. 9, 1945]

The following amended interpretation is issued with respect to General Conservation Order M-385:

- 1. Q. Are aprens, pinafores, smecks and similar garments included within the term "Dresses" in Groups 1 and 2 of the preferonce rating schedule of Supplement II?
 - A. No.
- 2. Q. Under the provisions of paragraph (e) as to equitable distribution, is a 1943 customer entitled to a pro rata share of the manufacturer's production of items other than items which the customer bought in
- А. Усз. Any person who purchased from the manufacturer in 1943, regardless of what he purchased, is entitled to a pro rata share of the Manufacturer's total production of of the hammacturers total production of each item for which the rating is used. (See question 12, Interpretation No. 1.) For ex-ample, even though a retailer in 1943 pur-chased from the manufacturer only shirts, he in entitled to a pro rata share of pajamas produced by the manufacturer, if the manufacturer uses the rating assigned by this order to get material to make pajamas. The retailer is entitled to his pro rata share of cach quarter's production calculated on the hasis of the percentage that the retailer's total purchases from the manufacturer in the corresponding quarter of 1943 is of the

manufacturer's total sales during that quarter of 1943.

Issued this 9th day of February 1945.

War Production Board, By J. Joseph Whelan, Recording Secretary.

[F R. Doc. 45-2340; Filed, Feb. 9, 1945; 11:40 a. m.]

PART 3290—TEXTILE, CLOTHING AND LEATHER

[General Conservation Order M-385, Supplement I as Amended Feb. 9, 1945]

DISTRIBUTION OF COTTON FABRICS BY CON-VERTERS AND COLORED YARN FABRIC PRO-DUCERS

§ 3290.346a Supplement I of General Conservation Order M-385—(a) Definitions. (For other applicable definitions see General Conservation Order M-385) (1) "Cotton fabrics" means, unless otherwise specified, woven fabrics which have been bleached, dyed, printed or otherwise finished and colored yarn fabrics, containing 50 per cent or more by weight of cotton or cotton waste or a combination of the two.

(2) "Producer" means any person who makes cotton textiles in the United

States.

- (3) "Unrated yardage" means: (1) In the case of an intermediate processor, the number of yards of each construction of cotton fabrics (including cotton fabrics prior to bleaching, dyeing or finishing) acquired by him or for his account without a preference rating or (2) in the case of a producer of colored yarn fabrics, the number of yards of each construction of colored yarn fabrics produced by him and not needed to fill orders rated other than AA-4.
- (b) Fabric "set-aside." (All column references are to the columns in the cotton fabric schedules of this Supplement.)
- (1) Colored yarn fabrics (Produced in February 1945) Each producer of colored yarn fabrics shall, out of his production during the month of February 1945, set aside at least that percentage shown in Column 2 of Cotton Fabric Schedule I of his unrated yardage of each construction of colored yarn fabrics shown in Column 1 of that schedule.
- (2) Colored yarn fabrics (Produced on or after March 1, 1945) Each producer of colored yarn fabrics shall, out of his production during the month of March 1945, and during each calendar quarter thereafter, set aside at least that percentage shown in Column 2 of Cotton Fabric Schedule II of his unrated yardage of each construction of colored yarn fabrics shown in Column 1 of that schedule.
- (3) Cotton fabrics other than colored yarn fabrics (Title to which is received in February 1945) Each intermediate processor who receives title in the month of February 1945 to any unrated yardage of any construction of cotton fabric listed in Column 1 of Cotton. Fabric Schedule I shall set aside at least the

percentage of that unrated yardage in each construction shown in Column 2 of that schedule.

(4) Cotton fabries other than colored yard fabries (Title to which is received on or after March 1, 1945) Each intermediate processor who receives title on or after March 1, 1945 to any unrated yardage of any construction of cotton fabric listed in Column 1 of Cotton Fabric Schedule II shall set aside at least the percentage of that unrated yardage in each construction shown in Column 2 of that schedule.

(c) Finishing, sale and delivery of fabrics set aside. (1) The cotton fabrics set aside as provided in paragraph (b) shall be processed, finished; sold and delivered only to fill orders which bear the preference rating assigned in Supplement II of this order, or which are sold as piece goods. Orders for the full amount of cotton fabrics set aside in August and September, 1944 and in each calendar quarter thereafter must be accepted within the period (August and September, 1944, and each calendar quarter thereafter) during which the set aside is made, or within ten days thereafter.

(2) Certifications on rated purchase orders and contracts. The certification set forth in paragraph (b) (5) of General Conservation Order M-385 must appear on the purchase orders or contracts for all cotton fabrics (other than cotton fabrics sold as piece goods) set aside under paragraph (b) of this Supplement I.

(3) Certifications on purchase orders or contracts for piece goods. When these cotton fabrics are sold as piece goods, substantially the following certification must appear on the purchase orders or contracts:

The undersigned certifies, subject to the Criminal Penalties of section 35 (A) of the U.S. Criminal Code, that the fabric covered by this purchase order or contract will be delivered to retailers for sale as piece goods or will be sold only at retail as piece goods.

(Name of Purchaser)

(Address)

By

(Signature and title of duly authorized officer)

(Date).

(4) Endorsement on invoices. No intermediate processor or producer shall sell or deliver any cotton fabrics set aside under paragraph (b) unless his invoice bears an endorsement substantially as follows:

This material is sold under your certification reading as follows:

(The full certification from purchase order or contract required by paragraphs (c) (2) and (c) (3) must be inserted.)

(5) Delivery dates and sequence of deliveries. The delivery dates and the sequence of deliveries of cotton fabrics set aside under paragraph (b) shall be in accordance with Priorities Regulation 1, all of the provisions of which must be observed. Attention particularly is called to the following provisions of § 944.7 of Priorities Regulation 1:

(a) Every person who has rated orders on hand must schedule his operations, if possible, so as to fill each rated order by the required delivery or performance date (determined as explained in § 944.8). If this is not possible for any reason, he must give precedence to higher over lower rated orders, and to all rated over unrated orders. However, material specifically produced for a rated order may not be used to fill a higher rated order (except AAA) subsequently received if the material is completed or is in production and scheduled for completion within fifteen days. A low rated order bearing an earlier delivery or performance date must be filled before a higher rated order bearing a later delivery or performance date if it is possible to fill both of them on the required dates.

(b) As between conflicting orders which bear the same preference rating, preference must be given to the order which was received first with the rating. As between conflicting orders received with the same preference rating on the same date, precodence must be given to the order which has the earlier required delivery or performance

date.

Attention also is called to the fact that every rated order must specify delivery or performance on a particular date or dates or within specified periods of not more than 31 days each, which in no case may be earlier than required by the person placing the order. Further provisions, and exceptions are contained in § 944.8 of Priorities Regulation 1.

(d) Priority of piece goods orders. Each intermediate processor and producer of colored yarn fabrics shall treat purchase orders and contracts bearing the piece-goods certification set forth in paragraph (c) (3) as AA-4 orders, unless they actually are rated higher.

(e) Exceptions. Exceptions from paragraph (b) may be authorized by the War Production Board in writing pursuant to letter application from any intermediate processor or colored yarn fabric producer who in the six months prior to August 1, 1944, did not sell any of the cotton fabrics listed in Column 1 for piece goods, or finish or cause to be finished any of such fabrics in a manner suitable for incorporation into an item listed in the Item column of Supplement II.

(f) Directions for piece goods. Directions may be issued to producers pursuant to paragraph (c) of M-328, respecting the sale and delivery of cotton fabrics as piece goods.

(g) Records and reports. Each intermediate processor and each producer of colored yarn fabrics shall maintain at his regular place of business, for each construction of fabric listed in this Supplement I, accurate records of the unrated yardage purchased, in the case of intermediate processors, or produced, in the case of colored yarn producers, the quantities set aside from such yardage in accordance with the percentages specified in this Supplement I, and the quantities represented by accepted orders bearing AA-4 ratings. These records shall be preserved for a period of not less than two years, and upon request shall be submitted to audits and inspections-by the duly authorized representatives of the War Production Board.

Each intermediate processor and producer of colored yarn fabrics to whom Form WPB-3848 is sent by the War Production Board shall execute this form monthly, in accordance with the instructions thereon, and file the executed form monthly with the War Production Board. This reporting requirement has been approved by the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

Issued this 9th day of February 1945.

WAR PRODUCTION BOARD. By J. JOSEPH WHELAN, Recording Secretary.

COTTON FABRIC SCHEDULE I

	Column 1	Column 2
Refer- ence num- ber	Construction of fabric	Percentage of unrated yardage re- quired to be set aside
L	Print_cloth, sley of 66 to 78, any pick, all widths and weights, plain and fancy weaves.	40
2	Print cloth, sley of 62 to 65, any pick, all widths and weights, plain and fancy weaves.	40
3	Carded poplin, plain and slub, all counts, print cloth warp yarns.	50
4	Carded broadcloth, more than 80 but not more than 100 sley, any pick, plain, slub and fancy	, 80
5	weaves. Carded broadcloth, 80 sley and less, any pick, plain, slub and fancy weaves.	. 50 -
6	Cotton and spun rayon mixtures, containing less than 25% by weight of rayon, and weighing less than 3.00 square yards per pound.	25
7	96/100 lawns, all weights	25
8	88/80 lawns, all weights	25
9	76/72 lawns, all weights Carded chambray, lighter than	25 25 25 25 25
	3.90 yards per pound.	
11	Carded gugham	25 25 25
12	Sport denim	25
13	Carded woven stripe or plaid	25
14	seersucker. Outing flannel, 4.00 yards per pound and lighter.	20
15	Soft filled sheeting lighter than 3.50 yards per pound.	20
16	Dimity	20
17	Voile	20 20

COTTON FABRIC SCHEDULE II

Celumn 2

		Celumn 2
Refer-	Column 1	Percentage
ence	Commit z	of unrated
num-	Construction of fabric	ronicco ro-
ber	00	yardaga re- quired to bo
		ect asido
		Tre mine
1	Print cloth, sley of C3 to 78, any pick, all widths and weights,	09
	pick, all widths and weights,	
	plain and foncy weaves. Print cloth, sley of 62 to 65, any plek, all widths and weights, all with the same weights,	
2	rick off widths and weights	Ø
	plain and fancy weaves.	
2	Drint cloth slove of 12 to 61 one	75
V	Print cloth, sley of 33 to 61, any pick, all widths and weights,	
	plain and fancy weaves.	
4	Print cloth, less than 25 sley, 8.60	Ca
	plain and fancy weaves. Print cloth, less than £5 sky, 8.69 yards per lb. and heavier. Pliesed print cloth, elsey of £2 to £6, any pick, all widths and weights, plain and fancy weaves. Pliesed print cloth, sky of £5 to £6, any pick, all widths and weights, plain and tancy weaves. Carded poplin, plain and slub, all counts, print cloth warp yarn. Carded brackleth 11250	•••
5	Plicsed print cloth, sley of C2 to	90
	65, any pick, all widths and	
	weights, plain and fancy weaves.	
~6	Plissed print cloth, sley of 60 to 61,	20
	any pick, all widths and weights,	
_	plain and lancy weaves.	
7	Carded poplin, plain and slub, all	89
	counts, print cieta warp yara.	00
8		90 90
y	Carded broadcloth, more than 80,	10
	but not more than 100 sley, any pick, plain, slub and lancy	
	weaves.	
10	Contad breadelath fit elay and	90
	less, any pick, plain, slub and	•••
	fancy weaves.	
11	Cotton and spun rayon mixtures	75
	containing less than 25% by	1
	weight, of rayon, weighing less	
	less, any piek, plain, slub and fancy weaves. Cotton and spun rayon mixtures containing less than 25% by weight, of rayon, weighing less than three square yards per	
	pound.	
12	96/100, lawns, all weights 88/60, lawns, all weights	75 75
14	70/72, lawns, all weights	75
15	72/56, lawns, all weights	ដ
16	Carded chambray, less than 3.99	90
	yards per pound.	•••
17	Carded ginghams, average yarn	75
	heavier than 35's.	
18	Sport denim	60
19	Outing fiannel, 8.75 yards per	75
	pound and lighter.	
20	Sport denim Outing finnel, 3.75 yards per pound and lighter, Soft-filled sheeting, lighter than	75
21	3.25 yards per pound. Dimity, combed and carded.	Pr#
22	Dotted Swisses (carded undyed	75 20
******	yam).	20
23	Combed broadcloth, 112 up to 123	20
	slev.	
• 24	sley. Gabardines, 2.85 yards per pound	G)
	and heavier.	
25	Twills, 2.50 yards per pound and	co
	heavier.	
26	Twills, 2.50 yards per pound and heavier. Drills, 2.50 yards per pound and heavier.	ω
	neavier.	73
27	Carded sateens	20 75
áQ	Carded satecas. Interlining flamels and other napped fabries other than blanketing and outing flam-	.0
	blanketing and outing fine	
	nelette.	
		A 1045:
[F. F	L. Doc. 45-2341; Filed, Feb.	9, 1945;

11:40 a. m.]

LEATHER [General Concervation Order M-385, Sup-

plement II as Amended Feb. 9, 1945]

PART 3290-TEXTILE, CLOTHING AND

AA-4 PREFERENCE RATING FOR COTTON PARRIC ITEMS

§ 3290.346b Supplement II of General Conservation Order M-385—(a) Assignment of preference ratings and restrictions. (Column references are to schedules of this Supplement II.)

(1) Preference rating AA-4 is assigned to processors (who meet and comply with the requirements of General Conservation Order M-385 including this Supplement II) to obtain the particular cotton fabrics listed in any "Fabric-Maximum Price Column." Such cotton fabrics must be incorporated into an item (listed in the "Item Column") to be produced for sale by the processor at or below the lower of the following two prices:

The processor's O. P. A. ceiling price, or the price per dozen listed in the same "box" of the "Fabric-Maximum Price Column" which also describes the particular fabric from which the item is to

(2) This rating is good only to obtain cotton fabrics set aside under Supplement I of this order. It may not be applied or extended to a producer except for colored yarn fabrics.

(3) Regardless of the provisions of any other War Production Board order or regulation, no cotton fabrics obtained with this rating shall be used or disposed of for any purpose other than that for which the rating is assigned.

Issued this 9th day of February 1945.

WAR PRODUCTION BOARD. By J. JOSEPH WHELAN. Recording Secretary.

Note: Schedule amended in its entirety Feb. 9, 1945.

NOTE: Schedule II added Feb. 9, 1945.

AA-4-PREFERENCE RATING SCHEDULE I

(The applicable provisions of each column are indicated for each numbered group opposite the group number)

Item column	1	Fabric—Maximum price column	Fabric—Maximum prico column	Fabric-Maximum pnce	
Group No.	Туре	Size (or equiv- alent trade designation)	2	8	column 4
1	Dresses: Misses' and wo- men's.	12-44	1-	•	\$24.00 Cotton and spun rayon mirtures containing less than 25% by weight of myon, and weighing less than 3.0 square yards per yourd. Carded ginzhem, average yarn heavier than 35's.
2	Dresses: Women's	46 and up			Cotton and spun myon mix- tures containing less than 20% by weight of myon and weighingless than 3.00 square yards per pound. Canded gingham, avenue yard heavier than 35%.
-3	Slips: Women's	38-44	\$8.75 Print cloths, sley of 62 to 65, any pick, all widths and weights, plain and fancy. Carded breadcloth, 50 sley and ices, any pick, plain, slub and fancy.	E3.10 Print cisths, elevel (3 to 73, any pick, all widths and weights, piain and inney. Carded breedelith, more than 80 but not more than 100 elev, any pick, piain, slub and fancy.	

AA-4-PREFERENCE RATING SCHEDULE I.—Continued (The applicable provisions of each column are indicated for each numbered group opposite the group number)

	(The appli	icable provision	ns of each column are indicated for each	numbered group opposite the group nu	mber)
_	Item column	I	Fabric—Maximum price column	Fabric—Maximum price column	Fabrio—Maximum prico
Group No.	Туре	Size (or equiv- alent trade designation)	2	3	column 4
4	Silps: Women's	46 and up	\$8.00 Print cloths, sley of 62 to 65, any pick, all widths and weights, plain and fancy. Carded broadcloth, 80 sley, and less, any pick, plain, slub and fancy.	\$9.75 Print cloth, sley of 66 to 78, any pick, all widths and weights, plain and fancy. Carded broadcloth, more than 80 but not more than 100 sley, any pick, plain, slub and fancy.	
5	Pajamas: Women's	32-40		\$16.50 Outing flannel—3.75 yards per pound and lighter.	\$18.75 Soft-filled sheetings, lighter than 3.25 yard.
6	Nightgowns: Women's	32-40	76/72 lawns. Outing fiannel, 3.75 yards per pound and lighter.	\$16.50 98/100 lawns, all weights. 88/80 lawns, all weights. Soft-filled sheetings, lighter than 3.25 yard.	
7	Nightgowns: Women's	42 and up	\$17.25 76/72 Lawns. Outing flannel, 3.75 yards per pound and lighter.	\$18.50 96/100 lawns, all weights. 88/30 lawns, all weights. Soft-filled sheetings, lighter than 3.25 yard.	
8	Shirts: Men's dress and sport, long sleeve.	14-17	\$14.75 Print cloths, sley of 65 to 78, any pick, all widths and weights, plain and fancy. Carded broadcloth, 80 sley and less, any pick, plain, slub and fancy. Print cloths, sley of 62 to 65, any pick, all widths and weights, plain and fancy.	\$16.50 Carded poplins, plain and slub (all counts) print cloth warp yarns. Carded broadcloth, more than 80 but not more than 100 sley, any pick, plain, slub and fancy. Carded broadcloth, 112/60.	\$24.00 Combed broadcloth, more than 112 but not more than 130 sloy.
9	Shirts: Men's sport, short sleeve.	.14-17	\$13. 25 \\ Print cloths, sley of 66 to 78, any pick, all widths and weights, plain and fancy. Carded broadcloth, 80 sley and less, any pick, plain, slub and fancy. Print cloths, sley of 62 to 65, any pick, all widths and weights, plain and fancy.	S15.00 Carded poplins, plain and slub (all counts) print cloth warp yarns. Carded broadcloth, more than 80 but not more than 100 sley, any pick, plain, slub and fancy.	
10	Shirts: Men's dress and sport, long sleeve.	17½ and up	Frint cloths, sley of 66 to 78, any pick, all widths and weights, plain and fancy. Carded broadcloth, 80 sley and less, any pick, plain, slub and fancy.	\$19.50 Carded poplins, plain and slub (all counts) print cloth warp yarns. Carded broadcloth, more than 80, but not more than 100 sley, any pick, plain, slub and fanny. Carded broadcloth, 112/60.	
11	Shirts: Men's sport, short sleeve.	17½ and up	Print cloth, sley of 66 to 78, any pick, all widths and weights, plain and fancy. Carded broadcloth, 80 sley and less, any pick, plain, slub and fancy.	Carded poplins, plain and slub (all counts) print cloth warp yarns. Carded broadcloth, more than 80 but not more than 100 sley, any pick, plain, slub and fancy. Carded broadcloth, 112/60.	u
12	Under shorts: Men's	28-44	94.00 Print cloths, sley of 62 to 65, any pick, all widths and weights, plain and fancy. Carded broadcloths, 80 sley and less, any pick, plain, slub and fancy.	\$4.75 Carded poplins, plain and slub (all counts) print cloth warp yarns. Carded broadcloth, more than 80 but not more than 100 sley, any pick, plain, slub and fanoy. Carded broadcloth 112/60.	
13	Under shorts; Men's	46 and up	S5.50 Print cloths, slay of 62 to 65, any pick, all widths and weights, plain and fancy. Cardedibroadcloth, 80 sley and less, any pick, plain, slub and fancy.	S6.25 Carded poplins, plain and slub (all counts) print cloth warp yarns. Carded broadcloth, more than 80 but not more than 100 sley, any plek, plain, slub and fancy. Carded broadcloth, 112/60.	
14	Pajamas: Men's	a, b, c, đ	\$19.75 Outing flannel—3.75 yard per pound and lighter.	\$22.50 Soft-filled sheetings, lighter than 3.25 yard.	
15	Pajamas: Men's	e and up	\$22.75 Outling flannel—8.75 yard per pound and lighter.	\$25.50 Soft-filled sheetings, lighter than 3.25 yard.	
16	Oreepers, rompers	6 mos. to 2 yrs.	S3.50 Print cloth, sley of 62 to 65, any pick, all widths and weights, plain and fancy. Carded broadcloth, 80 sley and less, any pick, plain, slub and fancy. Print cloths, sley 56 to 61, any pick, all widths and weights, plisse crepe finish.	Print cloths, sley of 66 to 78, any pick, all widths and weights, plain and fancy. Print cloths, sley of 62 to 65, any pick, all widths and weights, plisse creps finish. Carded poplins, plain and slub (all counts) print cloth warp yarns. Carded broadcloth, more than 80 but not more than 100 sloy, any pick, plain, slub and fancy. Carded chambray, lighter than 3.00 yards per pound.	
17	Pajamas; Button on two piece.	1 to 4	Print cloths, sley of 62 to 65, any pick, all widths and weights, plisse crepe finish. Print cloths, sley of 56 to 61, any pick, all widths and weights, plisse crepe finish. Outing fiannel, 3.75 yards per pound and lighter. Soft-filled sheeting, 3.25 yards per pound and Jighter.		

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AA-4-PREFERENCE RATING SCHEDULE I-Continued

(The applicable provisions of each column are indicated for each numbered group opposite the group number)

	Item column I				
Group No.	Туре	Size (or equivalent trade designation)	FabricMaximum price column 2	Fabric—Maximum price column 3	Fabric Maximum price column
18	Pajamas: Button on two piece with-feet.	1 to 4	Sig. 69 Outing flannel, 3.75 yard per pound and lighter. Soft-filled sheeting, 3.25 yard per pound and lighter.		
19	Pajamas: Two piece button on with extra pants.	1 to 4	\$12.60 Print cloths, sley of 62 to 65, any pick, all widths and weights, pliese crepe finith. Print cloths, sley of 69 to 61, any pick, all widths and weights, pliese crepe finith. Outing financi, 3.75 yards per pound and lighter. Soft-filled sheeting, 3.25 yards per pound and lighter.		-
20	Pajamas: One piece without feet.	2 to	S10.50 Print cloth, sley of 62 to 65, any pick, all widths and weights, plain and fancy. Outing flannel, 3.75 yards per pound and lighter. Print cloths, sley of 65 to 61, any pick, all widths and weights, pilese crepe finich. Carded broadcloth, 85 sley and lees, any pick, plain, slu and fancy.	\$12.00 Print cloths, sloy of G to 73, any pick, all widths and weights, plain and fancy. Print cloths, ricy 62 to G, any pick, all widths and weights, plice crope finich. Corded breader th, more than 60 but not more than 100 stey, any pick, plain, slub and farcy. Schi-flich cheeting, 3.25 yards per found and lighter.	
21	Pajamas: One piece with feet.	2 to 8	312.00 Outing fiannel, 3.75 yards per pound and lighter. Soft-filled sheeting, 3.25 yards per pound and lighter.		
22	Pajamas: Two piece jacket type.	2 to 8	Print cloths, sley of 62 to 65, any pick, all widths and weights, pilero errop finich. Print cloths, sley of 65 to 61, any pick, all widths and weights, pilero errop finich. Carded broadcloth, 89 sley and less, any pick, plain, slub and fancy.	Carded broadclath, more than 80 but not more than 189 cloy, any pick, plain, club any funcy. Outing flanaci, 3.75 yards per pound and lighter. Soft-filled cheeting, 3.23 yards per pound and lighter. Print cisth, clay of 60 to 78, any pick, all widths and weights, plain and funcy.	
23	Pajamas: Two piece, jacket type.	8 to 16	S13.50 Print cloth, sley (2 to 65, any pick, all widths and weights, plisso creps finish. Print cloth, sley of 63 to 61, any pick, all widths and weights, plisso creps finish. Carded breadcloth, 89 sley and less, any pick, plain, slub and fancy.	S1::75 Carded breadclath, more than 80 but not more than 100 eley, any pick, plain, club and fancy. Outing flanch, 2.75 yards per pound and lighter. Soft-filled cheeting, 3.23 yerds per pound and lighter. Print club, eley of 60 to 73, any pick, all widths and weights, plain and fancy.	
24	Nightgowns: Infants'		Print cloths, eley of 62 to 65, any pick, all widths and weights, pliese crepe linich. Print cloths, sley of 50 to 61, any pick, all widths and weights, pliese crepe finich. 95/100 lawns, all weights. 85/80 lawns, all weights. 76/72 lawns. Outing flannel, 3.76 yards per pound and lighter. Soft-filled sheeting, 3.25 yards per pound and lighter.		
25	Nightgowns	1 to 3	76/72 lawns. Outing flannel, 3.75 yards per pound and lighter. Print cloths, sley of 65 to 61 any pick, all widths and weights, pliese creps finish.	Print claths, sloy of 62 to 65, any pick, all wilths and weights, pilice creps finish. 68,00 kwns, all weights. 68,50 kwns, all weights. Soft-fillet sheeting, 3.25 yards per pound and lighter.	
26	Nightgowns	2 to 8	93.60 Outing fiannel, 3.75 yards per pound and lighter. 76/72 Jawas. Print cloth, eley of 66 to 61, any pick, all widths and weights, pliese crepo finich.	63:60 63:60 hwns, all weights. 65:50 hwns, all weights. Frint chist, chey of C2 to C5, any pick, all widths and weights, pilce crepe linith. Soft-filled cheeting, 3:25 yards per pound and lighter.	•
27	Nightgowns	8 to 16	\$10.50 Onting flannel, 3.75 yards per pound and lighter. 76772 lawns. Print cloths, sley of 55 to 61, any pick, all widths and weights, pliese crepe linish.	\$12.00 20:100 lawns, all weights. 20:30 lawns, all weights. 20:30 lawns, all weights. Print cistles, city of 62 to 63, any pink, all whiths and weights, pilits creps finith. 20:40 like abseting, 3.25 yards per pound and lighter.	
28	Kimonos	Infants	S4.00 Print cloths, sley of 55 to 61, any pick, all widths and weights, pileso creps finich. Outing flannel, 3.75 yards per pound and lighter. Soft-filled sheeting, 8.25 yards per pound and lighter.		

FEDERAL REGISTER, Saturday, February 10, 1945

AA-4—PREFERENCE RATING SCHEDULE I—Continued (The applicable provisions of each column are indicated for each numbered group opposite the group number)

_	Item column	I	Fabric—Maximum price column	Fabric—Maximum price column	Fabrio—Maximum prico
Group No.	Туре	Size (or equiv- alent trade designation)	2	8	column ** 4
29	Gertrudes	Infants	\$3.75 76/72 lawns. 72/56 lawns, all weights.	\$4.50 98/100 lawns, all weights. 88/80 lawns, all weights. Outing flannel, 3.76 yards per pound and lighter. Soft-filled sheeting, 3.25 yards per pound and lighter.	
30	Dresses: Infants	0 to 1 yr	\$10.50 Carded poplins, plain and slub (all counts) print cloth warp yarns. Carded broadcloth, 30 sley and less, any pick, plain, slub and fancy. 96/100 lawns, all weights. 76/72 lawns. 76/72 lawns, all weights.		q
31	Dresses: Toddlers	1 to 3	Print cloths, sley of 66 to 78, any pick, all widths and weights, piain and fancy. Print cloths, sley of 62 to 65, any pick, all widths and weights, plain and fancy. Carded broadcloth, 80 sley and less, any pick, plain, sinh and fancy. Print cloths, sley of 56 to 61, any pick, all widths and weights, plisse crepe finish. 72/56 lawns, all weights.	Print cloths, sley of 62 to 65, any pick, all widths and weights, pilsse crope finish. Carded poplins, plain and slub (all counts), print cloth warp yarns, Carded broadcloth more than 80 but not more than 100 sley, any pick, plain, slub and fancy. 66/100 lawns, all weights. 88/80 lawns, all weights. 76/72 lawns. Carded chambray, lighter than 3,90 yards per pound. Dimities. Dotted swiss, carded undyed yarn.	
32	Dresses; Ohildren's	3 to 6X	Print cloths, sley of 65 to 78, any pick, all widths and weights, plain and fancy. Print cloths, sley of 62 to 65, any pick, all widths and weights, plain and fancy. Carded broadcloth, 80 sley and less, any pick, plain, slub and fancy. Print cloths, sley of 55 to 61, any pick, all widths and weights, plisse crepe finish. 72/56 lawns, all weights.	\$15.75 Print cloths, sley of 62 to 65, any pick, all widths and weights, plisse crepe finish. Carded popilins, plain and slub (all counts) print cloth warp yarns. Carded broadcloth, more than 80 but not more than 100 sley, any pick, plain, slub and fanoy. 96/100 lawns, all weights. 88/80 lawns, all weights. Carded chambray, lighter than 3.90 yards per pound. Dimities. Dotted swiss, carded undyed yarn.	,
33	Dresses: Girls'	7 to 14	\$13.50 Print cloths, sley of 62 to 65, any pick, all widths and weights, plain and fancy. Carded broadcloth, 80 sley and less, any pick, plain, slub and fancy. Print cloths, sley of 55 to 61, any pick, all widths and weights, plisse crepe finish.		
34	Slips: Toddlers'	1 to 3	\$3.75 Carded broadcloth, 80 sley and less, any pick plain, slub and fancy. 72/56 lawns, all weights.	\$4.50 Carded broadcloth, more than 80 but not more than 100 sley, any plek, plain, slub and fancy. 96/100 lawns, all weights. 88/80 lawns, all weights. 76/72 lawns.	
35	Slips: Girls', gertrude type.	2 to 14	94.50 Print cloths, sley of 62 to 65, any pick, all widths and weights, plain and fancy. Carded broaddeth, 80 sley and less, any pick, plain, slub and fancy. 72/56 lawns, all weights.	S6.75 Carded broadcloth, more than 80 but not more than 100 sley, any pick, plain and fancy. Print cloths, sley of 66 to 78, any pick, all widths and weights, plain and fancy. 98/100 lawns, all weights. 88/80 lawns, all weights.	
36	Slips: Girls', shoulder strap.	10 to 16	\$3.50 Carded broadcioth, 80 sley and less, any pick, plam, slub and fancy.	\$9.75 Carded broadcloth, more than 80 but not more than 100 sley, any pick, plain, slub and fancy. 96/100 lawns, all weights. 88/80 lawns.	١
37	Blouses: Girls'	1 to 6	\$9.75 Print cloths, sley of 66 to 78, any pick, all widths and weights, plam and fancy. Print cloths, sley of 62 to 65, any pick, all widths and weights, plam and fancy. Carded broadcloth, 80 sley and less, any pick, plam, slub and fancy. Dimitles. 76/72 lawns.	S12.00 Carded poplins, plain and slub (all counts), print cloth warp yarns. Carded broadcloth, more than 80 but not more than 100 sley, any pick, plain, slub and fancy. 85/100 lawns, all weights, 85/80 lawns, all weights. Dotted swiss, carded undyed yarns.	

AA-4—Preference Rating Schedule I—Continued (The applicable provisions of each column are indicated for each numbered group opposite the group number)

Comm	Item column	I	Fabrio—Maximum prico column	Fabrio—Maximum prico celumn	Fabric—Maximum price
Group No.	Туре	Size (or equiv- alent trade designation)	2	3	eolumn.
38	Blouse: Girls'	7 to 14	Print cloths, sley of G to 78, any pick, all widths and weights, plain and fancy. Print cloths, sley of 62 to 65, any pick, all widths and weights, plain and fancy. Carded broadcloth 80 sley and less, any pick, plain and fancy. Dimities. 70/72 lawns.	\$13.40 Carded poplins, plainand sinb (all counts), print clath warp yarns. Carded breadslath, more than 80 but not more than 100 stey, any plak, plain, slub and fancy. 63/100 lawrs, all weights. 53/20 lawrs, all weights. Datted swire, carded undyed yarns.	
39	Panties: Girls'	2 to 12	S3.60 Print cloths, sley of 62 to 65, any pick, all widths and weights, plain and fancy. 72/56 lawns, all weights.	23.73 Print claths, sloy of 67 to 78, any plak, all widths and wighte, place crope finish. Carded brandcish, 69 sloy and fore, any plak, plain, club and farry. 70,72 lawns.	\$4.00 Corded broaddoth, more than 80 but not more than 10081-v my pick, plain, slub and fancy. CCTO haves, all weights. 83.50 lawns, all weights.
40	Overalls: Coveralls	1 to 4	Print cloths, sley of 62 to 65, any pick, all widths and weights, plain and fancy. Carded broadcloth, 80 sley and less, any pick, plain, slub and lancy. Print cloths, sley of 67 to 61, any pick, all widths and weights, plieso creps finish.	Print claths, cloy of G2 to G5, any pick, all widths and weights, place erere finish. Carded poplins, plain and club (all counts), print clut warp yarns. Sp.rt denium. Carded chambray, lighter than 3.00 yards per pound. Carded breadeloth, more than 80 but not more than 160 cley, any pick, plain, club and fancy.	
41	Overalls: crawler type	6 mos-2 yrs	Print cloths, sley of 62 to 63, any pick, all widths and weights, plain and fancy. Carded broadcloth, 80 sley and less, any pick, plain, slub and fancy. Print cloths, sley 50 to 61, any pick, all widths and weights, pliese erepe finish.	Print clothe, eley of G to 78, any pick, all whiths and weights, plain and inney. Print clothe, eley of G to G, any pick, all whiths and weights, place crees finish. Carded popline, plain an ichie (all counts), print cloth werp yarns. Carded broadeloth, more than 80 but not more than 100 cley, any pick, plain, clob and fancy. Carded chambray, lighter than 3.00 yards per pound.	
42	Overalls: Coveralls	2 to 6X	\$10.20 Print cloths, sley of 63 to 78, any pick, all widths and weights, plain and fancy. Carded broadcloth, 80 sley and lees, any pick, plain, slub and fancy. Print cloths, sley of 63 to 61, any pick, all widths and weights, plisse crepe finish.	Frint cloths, sloy of G2 to G5, any pick, all widths and weights, pilme crepe finish. Cardel poplins, pinia and cloth gal counts) print cloth warp yarms. Cardel breadcloth, more than 80 but not more than 160 sloy, any pick, pinin, slub and lancy. Sport denims. Cardel chambray, lighter than 3.60 yards per pound. Carded breadcloth 112,60.	•
43	Wash suits: Boys', toddlers'.	1 to 4	Si0.20 Carded poplins, plain and slub (all counts) print cloth warp yarms. Carded broadcloth, more than 69 but not more than 100 sley, any pick, plain, slub and fancy. Print cloth, sley of 65 to 78, any pick, all widths and weights, plain and fancy. Carded broadcloth, 112(10.		
44	Wash suits	2 to 6x	Carded poplins, plain and slub (all counts) print cloth warp yarms. Carded broadcloth, mere than 80 but not more than 100 siey, any piek, plain, slub and fancy. Print cloth, sley of 60 to 78, any piek, all widths and weights, plain and fancy. Carded broadcloth, 112,00.		
45	Boys' Shirts and Blouses	8 to 10	Print cloths, sley of 65 to 78, any pick, all widths and weights, plain and facey. Frint cloths, eley of 62 to 65, any pick, all widths and weights, plain and facey. Carded poplins, plain and slub (all counts), print cloth warp yarn. Carded broadcloth, more than 89 but not more than 100 sley, any pick, plain, slub and facey. Carded broadcloth, 80 eley and less, any pick, plain, slub and facey.		
46	Shirts: Boys', Dress or Sport, Long Sleeves. Neckband sizes	11 to 14½	Print cloths, sley of 65 to 78, any pick, all widths and weights, plain and fancy. Print cloths, sley of 62 to 65, any pick, all widths and wrights, plain and fancy. Carded broadcloth, Everley and lear, any pick, plain, slub and fancy.	\$12.00 Caided poplins, plain and sinb (all counts), print cloth warp years. Caided bread-listh, more than 80 but not more than 100 sloy, any plak, plain, slub and fancy. Carded breadstath, 112.60.	

AA-4—PREFERENCE RATING SCHEDULE I—Continued
(The applicable provisions of each column are indicated for each numbered group opposite the group number)

	Item column I		Fabric—Maximum price column	Fabric—Maximum price column	Fabrio—Maximum prico
Group No.	Туре	Size (or equiv- alent trade designation)			column 4
47	Shirts: Boys', Dress or Sport, Short Sleeve, Neckband sizes.	11 to 1434	\$9.50 Print cloths, sley of 66 to 78, any pick, all widths and weights, plain and fancy. Print cloths, sley of 62 to 65, any pick, all widths and weights, plain and fancy. Carded broadcloth 80 sley and less, any pick, plain, slub and fancy.	Sii.00 Carded poplins, plain and slub (all counts), print cloth warp yarns. Carded broadcloth, more than 80 but not more than 100 sley, any plck, plain, slub, and fancy. Carded broadcloth 112/60.	
48	Pants: Boys' (short)	4 to 10	Si0.50 Drills, twills, 2.50 yards per pound and heavier.	— \$13.50 Gabardines, 2.85 yards per pound and heavier.	
49	Pants: Boys' (long or knickers).	4 to 12	\$15.75 Drills and twills, 2.50 yards per pound and heavier. Standardines, 2.85 yards per pound and heavier.		
50	Undershorts: Boys'	6 to 16	Print cloths, sley of 66 to 78, any pick, all widths and weights, plain and fancy. Print cloths, sley of 62 to 65, any pick, all widths and weights, plain and fancy. Carded broadcloth 80 sley and less, any pick, plain, slub and fancy.	S4.25 Carded poplins, plain and slub (all counts), print cloth warp yarns. Carded broadcloth, more than 80 but not more than 180 sley, any pick, plain, slub and fancy. Carded broadcloth, 112/60.	
51	Quilted Crib pads	17 x 18	\$2.00 Print cloth, less than 56 sley, 8.60 yards per pound and heavier.	\$2.50 Print cloth, sley of 56 to 61, any pick, all widths and weights, plain and fancy.	\$2.75 Print cloth, sley of 62 to 65, any widths and weights, plain and fancy.
52	Quilted Crib pads	18 x 34	\$4.00 Print cloth, less than 56 sley, 8.60 yards per pound and heavier.	\$4.75 Print cloth, sley of 56 to 61, any pick, all widths and weights, plain and fancy.	\$5:25 Print cloth, sley of 62 to 65, any pick, all widths and weights, plain and fancy.
The ratings may also be used by processors to obtain the fabrics listed below for use in linings, bindings, stripping, reinforcements, stays and findings for incorporation in the items included in this preference rating schedule: Carded sateen. Print cloths, sley of 56 to 61, any pick, all widths and weights, plain and fancy. Interlining fiannel. Print cloths less than 56 sley, 8.60 yards per pound and heavier.					

[F. R. Doc. 45-2342; Filed, Feb. 9, 1945; 11:40 a. m.]

PART 3290—TEXTILES, CLOTHING AND LEATHER

[General Conservation Order M-385, Supplement III]

AA-4 PREFERENCE RATING FOR COTTON FABRIC ITEMS

§ 3290.346 (c) Supplement III of General Conservation Order M-385. (a) Assignment of preference rating and restrictions (Column references are to schedules of this Supplement III)

(1) Preference rating AA-4 is assigned to processors (who meet and comply with the requirements of General Conservation Order M-385, including this Supplement III) to obtain any cotton fabric listed in AA-4 Preference Rating Schedule II. Such cotton fabric must be incorporated into an item (listed in Column 1) to be produced for sale by the processor at or below the lower of the following two prices: the processors' OPA ceiling price or the price per dozen listed in Column 2.

(2) This rating may not be applied or extended to a producer except for colored yarn fabrics.

(3) Each intermediate processor and each producer shall accept, during March 1945, and each calendar quarter thereafter, all orders received by him bearing

AA-4 ratings assigned under this Supplement III up to an aggregate of 65% of the unrated yardage of each fabric listed in AA-4 Preference Rating Schedule II, which was acquired or produced by him during the month (or quarter) He need not accept such orders for more than 65% of such unrated yardage.

(4) Regardless of the provisions of any other War Production Board order or regulation, no cotton fabrics obtained with this rating shall be used or disposed of for any purpose other than that for which the rating is assigned.

(5) "Unrated yardage" means: (1) In the case of an intermediate processor, the number of yards of each construction of cotton fabrics (including cotton fabrics prior to bleaching, dyeing or finishing) acquired by him or for his account without a preference rating or (2) in the case of a producer of colored yarn fabrics, the number of yards of each construction of colored yarn fabrics produced by him and not needed to fill orders rated other than AA-4.

Issued this 9th day of February 1945.

War Production Board, By J. Joseph Whelan, Recording Secretary.

AA-4 PREFERENCE RATING SCHEDULE II

Group No.	Column 1 Item description	Column 2 Maxi- mum price per dozen
	Dresses, teens and juniors.	\$30,00
54	Dresses, misses' and women's	45,00
55	Blouses, misses' and women's	18,00
56	Nightgowns, misses' and women's	22, 50
57	Shirts, men's sport, short sleeve	
	only	21,00
58	Shirts, men's, dress only	21.00
59	Shorts, men's	8' 20
60	creepers and rompers, size o mos.	15,75
61	to 2 years. Children's pajamas, size 1-4	18.00
62	Children's pajamas, size 2-8	
63	Children's palamas, sizo 8-16	18,00
64 65	Infants' nightgowns	10,50
65	Infants' nightgowns. Children's nightgowns, size 1-3	12,00
66	Children's nightgowns, size 2-8	12,00
67 68 69	Children's nightgowns, size 8-10	18,00 10, <i>6</i> 0
68	Infants' kimonos	10.60
70	Infants' gertrudes Infants' dresses	18.00
71	! Toddlard' droscog ciza 1=3	18,00
72	Children's dresses, size 3-6x	18,00
73	Girls' dresses, size 7-14	22,50
74	Toddlers' slips, size 1-3	10, 50
72 73 74 75	Girls' slips, gertrude type, size 2-14.	12,00
76 77	Girls' slips, sizo 10-10	15.75
77	Girls' blouses, sizo 7-14	16,76 18,00
79	Girls' panties, sizo 2-12	6.00
80	Overalls and coveralls, size 1-4	
81	Overalls and coveralls, size 2-6x	18,00
82	Overalls, crawler type, size 6 mos. to	
	9 310000	15.75
83	Boys' wash suits, toddlers', size 1-4.	18,00
84	Boys' wash suits, Juvenile, size 2-6x.	18,00
86	Boys' shirts, dress only, neck size	18.00
	1 44 to 1372	, 20.00

AA-4 PREFERENCE RATING SCHEDULE II-Con.

Group No.	Column 1 Item description	Column 2 Maxi- mum price per dozen
	Boys' sport shirts, long sleeve, neck	-
81	size 11-14½	\$18.00
83	Boys' sport shirts, neck size 11-1414.	720.00
	short sleeve only	16.50
89 90	Boys' short pants, size 4-10	18.00
90	Boys' long pants, size 4-12.	24.00
91 92 93	Boys' shorts, size 6-16.	6.00
92	Children's sun suits	12.00
93	Men's handkerchiefs	2.25
94	Ladies' handkerchiefs	1,75

The AA-4 ratings assigned by this Supplement may be used to obtain the following basic fabrics for incorporation into the above items:

Lawns and organdy, combed and part combed lawns, other than 96 x 100, 88 x 80, 76 x 72 and 72 x 56 construction.

Lawns and Organdy, all carded. Combed twills, all types including Army and Navy construction.

Combed poplin.

Combed broadcloth, over 136 sley.

Oxfords.

Shirting jacquard, gray-dobby, colored yarn, (combed).
Gabardines, combed.

Piques, (combed and fine carded).

Pongees.

Voiles.

Combed and carded cotton-yarn fabrics, chiefly cotton, except cotton and spun rayons containing less than 25% by weight of rayon, and weighing less than 3.00 square yards per pound.

Medium sheeting (Class C) Window Shade quality Print Cloth.

Plain Print Cloth, 80 sley and higher, all widths and weights, any pick, plain or fancy.

Colored Yarn suitings, all cotton; cotton and rayon including checks and plaids.

Carded four-leaf twill fabrics, all types including herringbones and Army and Navy construction.

Carded poplins (sheeting yarns).

Pajama checks.

Carded Gabardines.

Sateens, combed and part combed.

Tracing cloth.

Seersucker, woven stripe.

Fancy handkerchief fabrics (for handkerchiefs only).

The ratings may also be used by processors to obtain the fabrics listed below for use in linings, bindings, strippings, reinforcements, stays and findings for incorporation in the items included in this preference rating schedule:

Carded sateen.

Print cloths, sley of 56 to 61, any pick, all widths and weights, plain and fancy. Interlining flannel.

Print cloths less than 56 sley, 8.60 yards per lb. and heavier.

[F R. Doc. 45-2343; Filed, Feb. 9, 1945; 11:41 a. m.]

Part 1010—Suspension Orders (Suspension Order S-707)

MICHIGAN ENGINEERING AND MANUFACTUR-ING CO.

James E. Wilson and Fred S. Vorn were, during the period in which the acts of violation hereinafter enumerated occurred, operating as a copartnership at Rose City, Michigan, doing business under the name of Michigan Engineering and Manufacturing Company, and as such were engaged in the manufacture of wooden boxes to be used for soft-drink and beer cases. Subsequent to said acts of violation but prior to the compliance hearing, James E. Wilson in November 1944, caused the said partnership to be dissolved and a corporation as successor in interest thereto to be formed under the laws of the State of Michigan, known as Michigan Engineering and Manufacturing Company. James E. Wilson owns 67% of the stock of the new corporation which took over the assets of the partnership.

During April and May 1944, the partnership knowingly purported to apply or extend to purchases for controlled materials preference ratings which it was not entitled to apply or extend, in violation of War Production Board Priorities Regulation No. 3. The partnership accepted deliveries, after July 31, 1944, of lumber ordered prior thereto, without validating said orders by giving its supplier the required certification, in violation of Limitation Order L-335. partnership failed to return within ten days after the close of the second quarter of 1944 unused allotments for carbon steel, in violation of CMP Regulation No. 1. The partnership failed to keep and preserve accurate and complete records of details of transactions in materials covered by War Production Board Regulations and Orders, in violation of Priorities Regulation No. 1. The partnership likewise failed to maintain at its regular.place of business accurate records of all allotments received, of procurement pursuant to all allotments, and of subdivisions of allotments, in violation of CMP Regulation No. 1. The partnership made the following misrepresentations to the War Production Board: (1) It falsely represented in its application for authority to receive lumber that its ratings were AA-1, (2) It falsely represented that it was authorized to use on its purchase orders Preference Rating AA-2, and (3) It falsely represented that it was entitled to apply or extend on its purchase orders Preference Rating AA-5. The partnership obtained deliveries of electrical supplies from a supplier by representing itself to be a fictitious company and as such to be entitled to apply or extend Preference Rating AA-1 and Symbol MRO.

James E. Wilson and Fred S. Vorn were familiar with and had knowledge of the provisions of the orders and regulations above enumerated, and their actions constituted wilful violations thereof. These violations have hampered and impeded the war effort of the United States by diverting scarce materials to uses not authorized by the War Production Board. In view of the foregoing, it is hereby ordered, that:

§ 1010.707 Suspension Order No. S-707 (a) James E. Wilson and Fred S. Vorn shall not, for four months from the effective date of this order, apply or extend any preference ratings or use any CMP allotment symbols regardless of the delivery date named in any purchase order to which such ratings may be ap-

plied or extended, or on which CMP allotment symbols are used.

(b) James E. Wilson and Fred S. Vorn shall not, for four months from the effective date of this Order, accept any deliveries of lumber as defined in Limitation Order L-335, including deliveries from Rose City Novelty Company.
(c) James E. Wilson and Fred S. Vorn

shall cancel immediately all preference ratings which they have applied or extended to orders which have not yet been filled.

(d) James E. Wilson and Fred S. Vorn shall cancel immediately all unfilled orders which they have placed for controlled materials bearing a CMP allotment symbol (including the MRO symbol and the Symbol SO under the smallorder procedure of CMP Regulation No. 1).

(e) The restrictions, prohibitions, and mandatory action contained herein shall apply to James E. Wilson and Fred S. Vorn, individually and as co-partners doing business as Michigan Engineering and Manufacturing Company or otherwise, his and their successors and assigns, or persons acting on their behalf. Prohibitions against the taking of any action include the taking indirectly as well as directly of any such action.

(f) This order shall take effect on February 9, 1945.

Issued this 2d day of February 1945.

WAR PRODUCTION BOARD, By J. Joseph Whelan, Recording Secretary.

[F. R. Doc. 45-2344; Filed, Feb. 9, 1945; 11:40 a. m.]

PART 4500-POWER, WATER, GAS AND CEN-TRAL STEAM HEAT

[Utilities Order U-9, Amdt. 1]

Section 4500.61 Utilities Order U-9 is hereby amended as follows:

By adding the following new subparagraph to paragraph (c)

(8) Advertising, promotional, decorative, ornamental lighting, and sign lighting except as permitted by subparagraph (7) (i) located in arcades, transportation terminals, subways, lobbies, and other passageways generally used by the public.

By changing paragraph (e) to read as follows:

(e) Appeals. Any person affected by this order who considers that compliance with this order will work an exceptional or unreasonable hardship on him or who considers that compliance will endanger public health or safety may appeal on form WPB 4113 for relief to the District Office of the War Production Board, for the area in which the consumer is located. Ref.. U-9.

By changing the first sentence in paragraph (f) (2) to read as follows:

(2) If any electric supplier has knowledge of a violation of this order by a person to whom it supplies electricity, it shall inform the person of the violation unless it has evidence that the person has been informed of the violation in some other manner.

Issued this 8th day of February 1945.

War Production Board, By J. Joseph Whelan, Recording Secretary.

[F R. Doc. 45-2315; Filed, Feb. 8, 1945; 4:50 p. m.]

Chapter XI—Office of Price Administration

PART 1315—RUBBER AND PRODUCTS AND MATERIALS OF WHICH RUBBER IS A COM-PONENT

[MPR 200, Amdt. 18]

RUBBER HEELS IN THE SHOE REPAIR TRADE

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Section 1315.1405 (a) (1) (iii) is amended by adding the following brand name and manufacturer's name to appear in alphabetical order:

L and R (STD) ____ The I. T. S. Company

This amendment shall become effective February 14, 1945.

Issued this 9th day of February 1945.

CHESTER BOWLES,
Administrator

[F. R. Doc. 45-2332; Filed, Feb. 9, 1945; 11:33 a. m.]

PART 1418—TERRITORIES AND POSSESSIONS [RMPR 183, Amdt. 66]

IMPORTED TEXTILE PRODUCTS IN PUERTO RICO

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Section 54 (b) (1) is amended to read as follows:

(1) For a product which is not a part of a job lot and which has been imported by the seller, the maximum price shall be the direct cost to the importer multiplied by the applicable factor set forth below Provided, That the importer may sell at a price not to exceed the manufacturer's or converter's maximum price for sales in the continental United States to purchasers of the same class, plus cost of shipment actually incurred by the importer, as provided in section 17 (a) (4) of this regulation: And provided further, That such selling price shall be considered the "direct cost to the importer" for the purposes of this section.

Group	Sales at wholesale	Sales at retail	
A B	1. 20 1. 25 1. 25	1.50 1.60 1.75	

^{*}Copies may be obtained from the Office of Price Administration.

This amendment shall become effective February 14, 1945.

Issued this 9th day of February 1945.

CHESTER BOWLES,

Administrator.

[F. R. Doc. 45-2331; Filed, Feb. 9, 1945; 11:33 a. m.]

Part 1499—Commodities and Services [SR 14C, Amdt. 1]

MODIFICATIONS OF MAXIMUM PRICES ESTAB-LİSHED BY GENERAL MAXIMUM PRICE REGU-LATION FOR CERTAIN FOODS AND BEVERAGES

A statement of the considerations involved in the issuance of this amendment issued simultaneously herewith has been filed with the Division of the Federal Renster.*

Section 2.4 is amended in the following respects:

- 1. Section 2.4 (c) (2) is amended to read as follows:
- (2) The manufacturer's maximum prices for sales of these hard candy assortments to any class of purchaser other than wholesalers shall be the prices set forth in Table A, less the manufacturer's customary differentials as established under the General Maximum Price Regulation for such sales except in the case of sales to ultimate consumers, in which event the maximum prices stipulated in Table C shall apply.
- 2. Section 2.4 (e) (10) is amended by adding the following sentence: "Imported sugar lozenges, wafers, tablets and pressed shaped hard candies packed in rolls or other comparable packages designed to sell at retail for 5 or 10 cents are not included within the meaning of "imported hard candy."
- 3. Section 2.4 (f) is added to read as follows:
- (f) Maximum prices of domestic and imported hard candy purchased in bulk and packaged 8 ounces or less within the United States in containers other than ordinary kraft paper bags. (1) Maximum prices (f. o. b. seller's place of business) for candy, purchased as bulk hard candy and then, within continental United States of America, packaged 8 ounces or less in other than kraft paper bags, shall be determined as follows:

(i) Take the maximum price for the weight of candy in the package, figured under Table A, Bulk Sales.

(ii) Add the direct cost of the material and labor used in packaging.

(iii) Multiply the total, (i) +(ii), obtained:

- (a) By 1.25 if the packer sells to retailers or if the sale is to or from an intermediate distributor.
- (b) By 1.50 if the packer sells to ultimate consumers.
- (iv) If the sale is to an ultimate consumer by a seller who purchased from a packer whose maximum price was determined under (iii) (a) take the packer's maximum selling price, per package, multiply by 1.50 and add the per package proportion cost of freight paid by the purchaser from the packer.

(2) A packer who determines his maximum price under this section shall not collect such maximum price until he has filed his detailed calculation of it with and received written acknowledgment of the filing from his nearest District Office of the Office of Price Administration. The District Director may adjust the maximum prices calculated under this regulation in cases of error in calculation or use of unreasonable cost figures.

This amendment shall become effective February 14, 1945.

Note: All reporting and record-keeping requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942

Issued this 9th day of February 1945.

CHESTER BOWLES,

Administrator

[F. R. Doc. 45-2329; Filed, Feb. 9, 1945; 11:33 a. m.]

PART 1499—COMMODITIES AND SERVICES [SR 14-I,1 Amdt. 1]

MODIFICATIONS OF MAXIMUM PRICES ESTABLISHED BY GENERAL MAXIMUM PRICE REGULATION FOR CERTAIN STORAGE AND TERMINAL SERVICES

A statement of the considerations involved in the issuance of this Amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Supplementary Regulation 14-I is amended in the following respects:

- 1. In section 4 (g), in the first sentence, the date "February 1, 1945" is changed to "April 1, 1945"
- 2. In section 4 (h) in the first sentence, the date "February 1, 1945" is changed to "April 1, 1945"

This amendment shall be effective as of January 31, 1945.

Issued this 9th day of February 1945.

CHESTER BOWLES, Administrator

[F. R. Doc. 45-2330; Filed, Feb. 9, 1945; 11:33 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

[3d Rev. S. O. 259]

PART 95-CAR SERVICE

PERMIT REQUIRED FOR SHIPMENT OF IRISH POTATOES

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 8th day of February A. D. 1945.

It appearing, that Irish potatoes grown and harvested in certain sections of California, Idaho, Oregon, Maine, Colorado, Minnesota, and North Dakota, described in Appendix A hereto are

¹ 10 F.R. 1212.

urgently needed to supply the Armed Services.

It further appearing, that to provide and insure an adequate supply of such potatoes, for the Armed Services, Marvin Jones, War Food Administrator, has issued December 8, 1944, Title 7—Agriculture, Chapter XI—War Food Administration, War Food Order No. 120, Part 1405—Fruits and Vegetables, § 1405.48 effective at 12:01 a. m., e. w. t., December 11, 1944 (9 F.R. 14785) which provides that "no person shall ship Irish potatoes from any area included in the territorial scope of this order * * * (described in Appendix A hereto) until he has applied to the Director for and

(described in Appendix A hereto) until he has applied to the Director for and he has received from the Director a permit to ship the particular lot * * *"

It further appearing, that the War Food Administrator has written to the Director of the Office of Defense Transportation on December 9th and 16th, 1944, advising of the urgent needs of the Armed Services and that a conservative estimate is that about 5,000 carloads of these potatoes will "be shipped to western dehydration plants and to ports of embarkation for shipment overseas" resulting in a "tremendous saving in car miles and car days" because of the diversion of shipments from commercial destinations east of the Mississippi River to such western destinations over shorter routes.

It further appearing, that the War Food Administrator has written to the Director of the Office of Defense Transportation on January 24, 1945, and February 8, 1945, advising that extension of this order to cover Aroostook County, Maine, and various counties in the States of Colorado, Minnesota and North Dakota, will conserve car miles and car days:

It further appearing, that the Director of the Office of Defense Transportation has requested this Commission to take such action as it deems appropriate and necessary.

It further appearing, that railroad freight cars, both box and refrigerator, are urgently needed; that the diversion of approximately 5,000 or more carloads of potatoes into short haul channels will save car days and contribute substantially to the short car supply; the Commission is of opinion that an emergency exists requiring immediate action in the sections of the country described in Appendix A hereto; It is ordered, that:

(a) Definition. As used in this order the term "Irish potatoes" means any and all varieties of the edible tuber of the species Solanum tuberosum.

(b) Permit required for transportation by common carrier by railroad of Irish potatoes. No common carrier by railroad subject to the Interstate Commerce Act shall transport or move a railroad freight car or cars loaded with Irish potatoes, from any section described in Appendix A hereof, unless or until such carrier has knowledge prior to the transportation or movement of such car or cars that a permit authorizing the shipment of such Irish potatoes has been issued by the War Food Administrator pursuant to the provisions of War Food Order No. 120 or supplements thereto or successive issues thereof.

(c) Exemptions. The requirements of paragraph (b) of this order shall not apply to any transportation or movement of Irish potatoes for the shipment of which no permit is required by the provisions of War Food Order No. 120, supplements thereto or successive issues thereof, or by reason of any exemption made or relief granted under that order.

(d) Application. (1) The provisions of this order shall apply to intrastate as

well as interstate commerce.

(2) The provisions of this order shall apply only to cars loaded with Irish potatoes shipped on or after the effective date hereof.

(e) Effective date. This order shall become effective at 12:01 a.m., e. w. t., February 9, 1945.

(f) Expiration date. This order shall expire at 12:01 a. m., e. w. t., May 1, 1945, unless otherwise modified, changed, suspended or annulled by order of this Commission. (40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901, 49 U.S.C. 1 (10)—(17))

It is further ordered, that this order and direction shall vacate and supersede Second Revised Service Order No. 259 on the effective date hereof; that copies of this order and direction shall be served upon the State railroad regulatory bodies of each State named in Appendix A hereof, or as the same may be amended. and upon the Association of American Railroads, Car Service Division, as agents of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

By the Commission, Division 3.

[SEAL]

W. P. BARTEL, Secretary.

APPENDIX A

Section No. 1: The county of Malheur in the State of Oregon and the State of Idaho except the county of Idaho and all counties north thereof in the State of Idaho.

Section No. 2: The counties of Crock, Deschutes, and Klamath in the State of Oregon and the counties of Eddoc and Siskiyou in the State of California.

Section No. 3: The county of Arcestock in the State of Maine.

Section No. 4: The entire State of Colo-

Section No. 5: The counties of Becker, Olay, Kittson, Mahnomen, Marshall, Norman, Otter Tall, Pennington, Polk, Red Lake and Wilkin in the State of Minnecota.

Section No. 6: The counties of Cass, Cavalier, Grand Forks, Nelcon, Pembina, Ramsey, Richland, Steele, Traill, and Walsh in the State of North Dakota.

[F. R. Doo. 45-2326; Filed, Feb. 9, 1945; 11:32 a. m.]

[S. O. 222, Amdt. 2 to Supp. 5]

PART 97-ROUTING OF TRAFFIC

ROUTING OF NON-TRANSIT GRAIN AND RELATED
ARTICLES

Note: An amendment to Appendix A of Supp. 5 as amended (9 F.R. 12288,

13139) of Service Order 222 was filed with the Division of the Federal Register on February 9, 1945, at 11:32 a. m., as F.R. Doc. 45-2325, effective at 12:01 a. m., February 15, 1945.

Chapter II—Office of Defense Transportation

[General Order ODT L-4, Amdt. 2]

PART 504—DIRECTION OF MOTOR TRAFFIG MOVEMENT

MOTOR TRANSPORTATION OF IRISH POTATOES FROM DESIGNATED AREAS

Pursuant to Title III of the Second War Powers Act, 1942, as amended, Executive Orders 8989, as amended, and 9156, War Production Board. Directives 21 and 36, as amended, and authorizations and requests contained in certificates of the War Food Administration dated December 8, 1944, January 24, 1945, and February 8, 1945, respectively, It is hereby ordered, That Appendix A

It is hereby ordered, That Appendix A to General Order ODT L-4, as amended (9 F.R. 14502, 10 F.R. 1245) be, and it hereby is, amended by adding two new paragraphs thereto to read as follows:

Area No. 4: The State of Colorado.

Area No. 5: The counties of Cavalier, Ramcey, Nelson, Steele, Pambina, Walsh, Grand Forks, Traill, Cars, and Richland in the State of North Dakota, and the counties of Kittson, Marshall, Pennington, Red Lake, Polk, Norman, Mahnomen, Clay, Becker, Wilkin, and Otter Tail in the State of Minnesota.

This Amendment 2 to General Order ODT L-4 shall become effective February 9, 1945.

(Title III of the Second War Powers Act, 1942, as amended, 56 Stat. 177, 50 U.S.C. § 633, Pub. Law 509, 78th Cong., E.O. 8989, as amended, 6 F.R. 6725, 8 F.R. 14183; E.O. 9156, 7 F.R. 3349; WPB Directives 21 and 36, as amended, 8 F.R. 6834, 9 F.R. 6989, 10 F.R. 698; Certificates of WFA dated Dec. 8, 1944, Jan. 24, 1945, and Feb. 8, 1945)

Issued at Washington, D. C. this 8th day of February 1945.

J. M. Johnson, Director,

Office of Defense Transportation.

[F. R. Dec. 45-2321; Filed, Feb. 9, 1945; 9:53 a. m.]

Notices

WAR DEPARTMENT.

[Civilian Restrictive Order 33]

WEST COAST EXCLUSION ZONE

PROHIBITION OF CERTAIN ARTICLES WITHIN LILLITARY AREAS

20 JANUARY 1945.

Headquarters Western Defense Command, Office of the Commanding General, Presidio of San Francisco, California.

- 1. Under the authority of Presidential Executive Order No. 9066, 19 February 1942, and letter of Secretary of War, 10 December 1944, and pursuant to a determination that the present action is dictated by military necessity, particularly the prevention of espionage and sabotage, It is hereby ordered, That all persons, while excluded by an individual exclusion order of the Commanding General, Western Defense Command, from any military areas, or exclusion zones within such areas, of the Western Defense Command, are prohibited from possessing, using or operating at any time or place within any military area, as now or hereafter established and defined, of the Western Defense Command, any of the following items:
- a. Military weapons, including all firearms.
- b. Ammunition, bombs and explosives.
 c. Radio transmitters or component parts thereof.
- 2. No articles of the types itemized above which, prior hereto, have been placed in the custody of any individual, association, organization or corporation within the military areas of the Western Defense Command, shall be returned or otherwise transferred or delivered to any person while such person is excluded by an individual exclusion order of the Commanding General, Western Defense Command, from any military areas, or exclusion zones within such areas of the Western Defense Command.
- Any person while excluded by an individual exclusion order of the Commanding General, Western Defense Command, from any military areas, or exclusion zones within such areas of the Western Defense Command, found with any of the articles itemized in paragraph 1 hereof in his possession in violation of said paragraph 1 will be subject to the criminal penalties provided by Public Law No. 503, 77th Congress, approved 21 March 1942, entitled: "An Act to Provide a Penalty for Violation of Restrictions or Orders with Respect to Persons Entering. Remaining in, Leaving or Committing any Act in Military Areas or Zones"
- 4. Any individual, association, organization or corporation within the military areas of the Western Defense Command in whose custody any articles itemized in paragraph 1 hereof have been placed, who returns or otherwise transfers or delivers such articles to any person, while such person is excluded by an individual exclusion order of the Commanding General, Western Defense Command, from any military areas or exclusion zones within such areas of the Western Defense Command in violation of paragraph 2 hereof will be subject to the criminal penalties provided by Públic Law No. 503, 77th Congress, approved 21 March 1942, entitled: "An Act to Provide a Penalty for Violation of Restrictions or Orders with Respect to Persons Entering. Remaining in, Leaving or Committing any Act in Military Areas or Zones"
- 5. Any individual, association, organization or corporation within the military areas of the Western Defense Command in whose custody any articles itemized in paragraph 1 hereof have been placed,

who desires information as to whether an individual to whom he wishes to deliver such articles is excluded from any military areas, or exclusion zones within such areas, of the Western Defense Command, by an individual exclusion order of the Commanding General, Western Defense Command, may obtain such information by inquiry addressed to the Commanding General, Western Defense Command, attention Civil Affairs Division.

6. This order does not in any way limit or affect the provisions of Presidential Proclamation No. 2525, dated 7 December 1941, pertaining to the possession, custody, or control of contraband.

[SEAL] H. C. PRATT,

Major General, U. S. Army,

Commanding.

Confirmed:

J. A. ULIO,

Major General,

The Adjutant General.

[F R. Doc. 45-2317; Filed, Feb. 8, 1945; 4:54 p. m.]

DEPARTMENT OF LABOR.

Wage and Hour Division.

LEARNER EMPLOYMENT CERTIFICATES
ISSUANCE TO VARIOUS INDUSTRIES

Notice of issuance of special certificates for the employment of learners under the Fair Labor Standards Act of 1938.

Notice is hereby given that special certificates authorizing the employment of learners at hourly wages lower than the minimum rate applicable under section 6 of the act are issued under section 14 thereof and § 522.5 (b) of the regulations issued thereunder (August 16, 1940, 5 F.R. 2862) to the employers listed below effective as of the date specified in each listed item below.

The employment of learners under these certificates is limited to the terms and conditions as designated opposite the employer's name. These certificates are issued upon the employer's representation that experienced workers for the learner occupations are not available for employment and that they are actually in need of learners at subminimum rates in order to prevent curtailment of opportunities for employment. The certificates may be cancelled in the manner provided for in the regulations and as indicated on the certificate. Any person aggrieved by the issuance of the certificates may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, PRODUCT, NUMBER OF LEARNERS, LEARNING PERIOD, LEARNER WAGE, LEARNER OCCUPATION, EXPIRATION DATE

Abernathy Advertising, 132 Broadway, Paducah, Kentucky; job printing; 1 learner; printer for a learning period of 500 hours at 30 cents per hour; effective January 29, 1945, expiring May 31, 1945.

Harold's Photography, 808 South Phillips Street, Sioux Falls, South Dakota; photo finishing; 3 learners; developers for a learning period of 200 hours at 30 cents per hour, and printers and enlargers for a learning period of 480 hours at 30 cents for the first 320 hours and 35 cents for the next 160 hours; effective January 29, 1945, expiring July 30, 1945.

Textile Hardwood Manufacturing Co., Inc., Pike Street, West Huntsville, Alabama; wooden parts for textile machinery; 2 learners; sander operator for a learning period of 160 hours at 35 cents per hour and woodworking machine operator for a learning period of 160 hours at 35 cents per hour; efficative January 23, 1945, expiring April 3, 1946,

The Worth Company, Stevens Point, Wisconsin; fly tleing and snelled hook tleing; 10 learners; fly, leader and snelled hook tleing for a learning period of 480 hours at 30 cents per hour for the first 320 hours and 35 cents per hour for the last 160 hours; effective January 29, 1945, expiring April 18, 1945.

Signed at New York, New York, this 5 day of February 1945.

PAULINE C. GILBERT,
Authorized Representative
of the Administrator

[F. R. Doc. 45-2322; Filed, Feb. 9, 1945; 11:08 a. m.]

LEARNER EMPLOYMENT CERTIFICATES ISSUANCE TO VARIOUS INDUSTRIES

Notice of Issuance of special certificates for the employment of learners, under the Fair Labor Standards Act of 1938.

Notice is hereby given that special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rate applicable under section 6 of the act are issued under section 14 thereof, Part 522 of the regulations issued thereunder (August 16, 1940, 5 F.R. 2862, and as amended June 25, 1942, 7 F.R. 4725) and the determination and order or regulation listed below and published in the Federal Register as here stated.

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear, Rainwear, Robes and Leather and Sheep-Lined Garments Divisions of the Apparel Industry, Learner Regulations, July 20, 1942 (7 F.R. 4724), as amended by Administrative Order March 13, 1943 (8 F.R. 3079), and Administrative Order, June 7, 1943 (8 F.R. 7890).

Glove Findings and Determination of February 20, 1940, as amended by Administrative Order September 20, 1940 (5 F.R. 3748) and as further amended by Administrative Order March 13, 1943 (8 F.R. 3079).

Hosiery Learner Regulations, September 4, 1940 (5 F.R. 3530), as amended by Administrative Order March 13, 1943 (8 F.R. 3079).

Textile Learner Regulations, May 16, 1941 (6 F.R. 2446), as amended by Administrative Order March 13, 1943 (8 F.R. 3079).

The employment of learners under these certificates is limited to the terms and conditions therein contained and to the provisions of the applicable determination and order or regulations cited above. The applicable determination and order or regulations, and the effective and expiration dates of the certificates issued to each employer is listed below. The certificates may be cancelled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates, may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, INDUSTRY, PROD-UCT, NUMBER OF LEARNERS AND EFFECTIVE

SINGLE PANTS, SHIRTS, AND ALLIED GARMENTS, WOMEN'S APPAREL, SPORTSWEAR, RAINWARE, ROBES AND LEATHER AND SHEEP-LINED GAR-MENTS DIVISIONS OF THE APPAREL INDUSTRY

Forest City Manufacturing Company, 1641 Washington Street, St. Louis, Missouri; women's apparel; 96 learners (E); effective February 1, 1945, expiring July 31, 1945.

Hershey Garment Company, Paradise, Pennsylvania; women's lingerie, slips, gowns, 10 percent (T); effective January 30, 1945, expiring January 29, 1946.

M. and R. Shirt Company, 226 New Brunswick Avenue, Perth Amboy, New Jersey; men's dress shirts, men's sport shirts; 5 learners (T); effective January 31, 1945, expiring January 30, 1946.

National Sportswear Company, 139 Main Street, Reedsburg, Wisconsin; women's sportswear; 10 learners (T); effective January 28, 1945, expiring January 27, 1946.

Glove Industry

James Churchill Glove Co., 113 W. Maple Street, Centralia, Washington; work gloves; 4 learners (T); effective January 29, 1945, expiring January 28, 1946.

Hosiery Industry

Acme Hosiery Dye Works, Inc., Pulaski, Virginia; full-fashioned; 10 learners (AT); effective January 26, 1945, expiring July 25, 1945.

Harriman Hosiery Mills, Harriman, Tennessee; seamless; 10 percent (AT); effective January 27, 1945, expiring July 26, 1945.

Plymouth Hosiery Mills, Inc., 919 Millis Street, High Point, North Carolina; seamless; Stiect, High Folia, Notal Carolina, Statistics, Sciences (T); effective January 30, 1945, expiring January 29, 1946.
Virginia Maid Hosiery Mills, Inc., Pulaski, Virginia; full-fashioned; 10 learners (AT);

effective January 26, 1945, expiring July 25, 1945.

Wallner Silk Hosiery Mills, Inc., Pulaski, Virginia; full-fashioned; 20 learners (AT); effective January 26, 1945, expiring July 25,

Textile Industry

Canisteo Corporation, 8-10 Russell Street, Canisteo, New York; rayon, nylon and wool yarn; 3 learners (T); effective January 29, 1945, expiring January 28, 1946.

Liberty Throwing Company, Inc., 203 East Church Street, Nanticoke, Pennsylvania; rayon yarn; 6 percent (AT); effective January 26, 1945, expiring July 25, 1945.

Liberty Throwing Company, Inc., Pringle and Zerby Streets, Kingston, Pennsylvania; rayon yarn; 6 percent (AT); effective January 26, 1945, expiring July 25, 1945.

Signed at New York, New York, this 5th day of February 1945.

> PAULINE C. GILBERT. Authorized Representative of the Administrator

[F. R. Doc. 45-2323; Filed, Feb. 9, 1945; 11:08 a.m.]

FEDERAL POWER COMMISSION.

[Docket No. G-609]

KANSAS POWER AND LIGHT CO. ORDER FIXING DATE OF HEARING

FEBRUARY 6, 1945.

Upon consideration of the application filed December 29, 1944, by The Kansas Power and Light Company (Applicant) for a certificate of public convenience and necessity pursuant to section 7 (c) of the Natural Gas Act, as amended, to authorize the construction and operation of the following facilities:

(1) 18.5 miles of 16-inch O. D. transmission line extending from a point in Section 17, T. 31 S., R. 14 W., Barber County, Kansas, to a point of connection with Applicant's existing 18-inch gas transmission line in Section 23, T. 28 S., R. 13 W., Pratt County, Kansas;

(2) 20,500 feet of 8-inch pipe line beginning at a point of connection with the proposed 16-inch line in Section 34. T. 30 S., R. 14 W., and extending easterly to Section 32, T. 30 S., R. 13 W., all in Barber County, Kansas;

(3) 4,500 feet of 8-inch pipe line beginning at a point of connection with the proposed 16-inch transmission line in Section 17, T. 31 S., R. 14 W., and extending westerly to Section 18, T. 31 S., R. 14 W., all in Barber County, Kansas;

(4) 14,000 feet of 4-inch pipe line to connect a number of wells, all situated in Barber County, Kansas;

(5) A gasoline recovery and dehydration plant.

The Commission orders that:

(A) A public hearing be held, commencing on March 14, 1945, at 10 a.m. (e. w. t.) in the Hearing Room of the Federal Power Commission, Hurley-Wright Building, 1800 Pennsylvania Avenue NW., Washington, D. C., respecting the matters involved and the issues presented in this proceeding.

(B) Interested State commissions may participate in this hearing, as provided in § 67.4 of the provisional rules of practice and regulations under the Natural

Gas Act.

By the Commission.

[SEAL]

LEON M. FUQUAY, Secretary.

[F. R. Doc. 45-2318; Filed, Feb. 9, 1945; 9:29 a. m.]

INTERSTATE COMMERCE COMMIS-SION.

[S. O. 70-A, Special Permit 869]

RECONSIGNMENT OF POTATOES AT KANSAS CITY, MO.-KANS.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph (§ 95.35, 8 F.R. 14624) of Service Order No. 70-A of October 22, 1943, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 70-A incofar as it applies to the reconsignment at Kansas City, Missouri-Kansas, February 6, 1945, by Colorado Potato Growers Exchange of car PFE 13729, potatoes, now on the Union Pacific Railroad, to Birmingham, Alabama.

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 6th day of February 1945.

> V. C. CLINGER, Director, Bureau of Service.

[P. R. Doc. 45-2327; Filed, Feb. 9, 1945; 11:32 a. m.]

OFFICE OF PRICE ADMINISTRATION.

(RMPR 122, Amdt. 16 to Rev. Order 47) SOLID FUELS IN WASHINGTON, D. C., AREA AND ALEXANDRIA, VA.

ADJUSTMENT OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and in accordance with § 1340.260 of Revised Maximum Price Regulation No. 122, It is ordered. That Revised Order No. 47 be amended in the following respects:

- 1. Paragraph (f2) is amended to read as follows:
- (12) The prices set forth in paragraphs (c) (1), (d) and (f) for the respective areas and for "direct delivery" and "yard sales" may be increased for sales of "Penn anthracite" by no more than \$1.00 per gross ton or 90 cents per net ton in the egg, stove, nut and pea sizes; by 84 cents per gross ton or 75 cents per net ton for Buckwheat No. 1 size; and by no more than 38 cents per gross or 35 per net ton for the rice size, if:

(1) The dealer keeps Penn anthracite separate in storage and delivery, from any other kind of solid fuel; and

- (2) The dealer keeps complete and accurate records of Penn anthracite for such time as this paragraph (f2) is in effect. The records shall show: the date he received the coal; the name and address of the producer; the quantity in net tons of each delivery to him of such anthracite and all invoices sent him by the producer, and
- (3) The Penn anthracite is produced by Penn Collieries Company, Scranton, Pennsylvania, and is sold as Penn or "Black Stork" anthracite by the dealer.
- 2. Paragraph (f3) is amended to read as follows:
- (f3) The prices set forth in paragraphs (c) (1), (d) and (f) for the respective areas and for "direct delivery" and "yard sales" may be increased for sales of "Orange Disc anthracite" by no more than 34 cents per gross ton or 30 cents per net ton in the egg, stove, nut, pea, buckwheat sizes; by no more than 23 cents per gross ton or 20 cents per net ton for the rice size; if:
- (1) The dealer keeps "Orange Disc anthracite" separate in storage and delivery, from any other kind of solid fuel; and
- (2) The dealer keeps complete and accurate records of "Orange Disc Anthracite" for such time as this paragraph

No. 30-

(f3) is in effect. The records shall show. the date he received the coal; the name and address of the producer; the quantity in net tons of each delivery to him of such anthracite and all invoices sent him by the producer, and
(3) The "Orange Disc anthracite" is

produced by Payne Coal Company, Miners National Bank Building, Wilkes-Barre, Pennsylvania, and is sold as "Orange Disc anthracite" by the dealer.

- 3. A new paragraph (f9) is added to read as follows:
- (f9) On sales of low volatile nut and slack coals from District No. 7 the dealer may add no more than 15 cents to the applicable maximum price on the tonnage for which he has actually paid his supplier that amount, if the charge is separately stated on the dealer's invoice and is identified with the statement "Extra for Sunday work"
- 4. A new paragraph (f10) is added to read as follows:
- (f10) A dealer making deliveries of solid fuels to consumers in one-ton lots pursuant to directives issued by Solid Fuels Administration for War may add to

his maximum price per net ton for such delivery no more than 25 cents.

This Amendment No. 16 to Revised Order No. 47 shall become effective February 8, 1945.

Issued this 8th day of February 1945.

CHESTER BOWLES, Administrator.

[F R. Doc. 45-2299; Filed, Feb. 8, 1945; 11:33 a. m.)

[MPR 188, Order 3380]

HAYWARD NON FERROUS FOUNDRY

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188, It is ordered.

(a) The maximum prices for all sales and delivered by the Hayward Non Ferrous Foundry, 1077 A Street, Hayward, California, of a cast aluminum skillet of its manufacture, as described in its application dated November 21, 1944, are as

Article	Model No.	Maximum price to jobber	Maximum price to retailer
Cast Aluminum Skillet	9}%" dia., 2" high, #5, Plastic Handle, Polished & Buffed	Each \$1.08	Each \$1. 29

These prices are f. o. b. factory and subject to a cash discount of 2% for payment within 10 days, net 30 days,

(b) The maximum prices for all sales and deliveries at wholesale for the skillet described in paragraph (a) above shall be the prices set forth below as follows:

Article	Model No.	Maximum price to retailer
Cast Aluminum Skillet	9}%" dia., 2" high, #5, Plastic Handle, Polished & Buffed	Each \$1. 29

This price is f. o. b. seller's city and subject to terms, discounts and allowances no

less favorable than those customarily granted by the seller.

(c) The maximum price for a sale at retail of the skillet described in paragraph (a) above shall be as follows:

Article	Model No.	Maximum price to user
Cast Aluminum Skillet	9}%" dia., 2" high, #5, Plastic Handle, Polished & Buffed	Each \$2.15

- (d) On each skillet shipped to a purchaser for resale, the manufacturer shall attach a tag or label which plainly states the retail selling price. Such tag or label shall contain the following statement: "Model No. 5—\$2.15. OPA Maximum Selling Price." This tag shall not be removed before delivery to the consumer.
- (e) At the time of the first invoice, the manufacturer shall notify in writing each purchaser who buys from it of the maximum prices established by this order for resales by the purchaser: and every jobber who sells an article covered by this order to another jobber shall notify that purchaser in writing of the maximum prices established by this order for resales by that purchaser. This
- written notice may be given in any convenient form.
- (f) Unless the context otherwise requires, the definitions set forth in § 1499.20 of the General Maximum Price Regulation shall apply to the terms used herein.
- (g) This Order-No. 3380 may be revoked or amended by the Price Administrator at any time.

This Order No. 3380 shall become effective on the 9th day of February 1945.

Issued this 8th day of February 1945.

CHESTER BOWLES. Administrator.

[F. R. Doc. 45-2296; Filed, Feb. 8, 1945; 11:36 a. m.]

[MPR 188, Order 3381] ROOT MANUFACTURING CO.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register. and pursuant to § 1499.158 of Maximum Price Regulation No. 188, It is ordered:

(a) The maximum prices for all sales and deliveries by the Root Manufacturing Company, 127 East Eleventh Street, Baxter Springs, Kansas, of a vegetable slicer of its manufacture, as described in its application dated December 13, 1944, are as follows:

Articlo	Mødel No.	Max- imum prico to jobber	Max- imum prico to rotalier	
Vegetable Slicer (Aluminum)	821	Each \$1.89	Each \$2.37	

These prices are f. o. b. factory and subject to a cash discount of 2% for payment in 10 days, net 30 days.

(b) The maximum prices for all sales and deliveries at wholesale for the vegetable slicer described in paragraph (a) above shall be the prices set forth below as follows:

Article	Model No.	Maximum price to retailer
Aluminum Vegetable Slicer	321	Each \$2,37

This price is f. o. b. seller's city and is subject to terms, discounts and allowances no less favorable than those customarily granted by the seller.

(c) The maximum prices for a sale at retail of the vegetable slicer described in paragraph (a) above shall be as fol-

Articlo	Model No.	Maximum price to user
Aluminum Vegetable Slicer	321	Each \$3, 98

- (d) On each vegetable slicer shipped to a purchaser for resale the manufacturer shall attach a tag or label which plainly states the retail selling price. Such tag or label shall contain the following statement: "Model No. 321—\$3.95 each. OPA Maximum Selling Price." This tag shall not be removed before delivery to the consumer.
- (e) At the time of the first invoice. the manufacturer shall notify in writing each purchaser who buys from it of the maximum prices established by this order for resales by the purchaser; and every jobber who sells an article covered by this order to another jobber shall notify that purchaser in writing of the maximum prices established by this order for resales by that purchaser. This written notice may be given in any convenient form.
- (f) Unless the context otherwise requires, the definitions set forth in

§ 1499.20 of the General Maximum Price Regulation shall apply to the terms used berein

(g) This Order No. 3381 may be revoked or amended by the Price Administrator at any time.

This Order No. 3381 shall become effective on the 9th day of February 1945.

Issued this 8th day of February 1945.

CHESTER BOWLES, Administrator

[F. R. Doc. 45-2297; Filed, Feb. 8, 1945; 11:37 a. m.]

[MPR 188, Order 3382]

NATIONAL METAL SPECIALTIES & MANUFÁCTURING CO.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188, It is ordered:

(a) The maximum prices for all sales and deliveries by the National Metal Specialties & Manufacturing Company, 121 Fulton Street, New York 7, New York of a hot plate of its manufacture, as described in its application dated December 20, 1944, are as follows:

Article	Model	Maxi- mum price to jobber	Maximum price to dealer (6 units or more)	Maximum price to dealer (less than 6 units)
2 Burner Hot	1A	Each	Each	Each
Plate		\$2.88	\$3.40	\$3.66

These prices are f. o. b. New York and subject to a cash discount of 2% for payment within ten days, net thirty days. These prices include the Federal Excise

(b) The maximum prices for all sales and deliveries at wholesale for the hot plate described in paragraph (a) above shall be the prices set forth below as follows:

Article	Model	Maximum price to dealer (6 units or more)	Maximum price to dealer (less than 6 units)	
2 Burner Hot Plate	1A	Each \$3, 40	Each \$3.66	

These prices are f. o. b. seller's city and subject to terms, discounts and allowances no less favorable than those customarily granted by the seller.

(c) The maximum price for a sale at retail of the hot plate described in paragraph (a) above shall be as follows:

Article	Model	Maximum price to consumer
2 Burner Hot Plate	1A	Each \$5, 50

This price includes the Federal Excise Tax.

(d) On each hot plate shipped to a purchaser for resale the manufacturer shall attach a tag or label which plainly states the retail selling price. Such tag or label shall contain the following statement: "Model 1A—\$5.50. OPA Maximum Selling Price." This tag shall not be removed before delivery to the consumer.

(e) At the time of the first invoice, the manufacturer shall notify in writing each purchaser who buys from it of the maximum prices established by this order for resales by the purchaser; and every jobber who sells an article covered by this order to another jobber shall notify that purchaser in writing of the maximum prices established by this order for resales by that purchaser. This written notice may be given in any convenient form.

(f) Unless the context otherwise requires, the definitions set forth in § 1499.20 of the General Maximum Price Regulation shall apply to the terms used herein.

(g) This Order No. 3382 may be revoked or amended by the Price Administrator at any time.

This Order No. 3382 shall become effective on the 9th day of February 1945.

Issued this 8th day of February 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-2233; Filed, Feb. 8, 1945; 11:37 a. m.]

[Supp. Order 94, Order 27]

United States Treasury Department, Procurement Division

SPECIAL MAXIMUM PRICES FOR EATH ROBES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and in accordance with section 11 of Supplementary Order 94, it is ordered:

(a) What this order does. This order establishes maximum prices at which the new corduroy bath robes hereinafter described may be sold by the United States Treasury Department, Procurement Division, and by any subsequent reseller.

(b) Maximum prices. Maximum prices for each bath robe described herein shall be:

Description of bath robo	Traciny's price to wholeafer f. o. b. chipping point		Price for all sales at retail	
Stock #71710-15 cerduroy, rope neck band, celers wine and navy blue. One pocket each side. MD-USA embrollered on pecket.	\$3.40	£4. 23	\$7.60	

(c) Discounts. Every seller shall continue to maintain his customary discounts.

(d) Notification. Any person who sells the bath robe described in paragraph (b) to a retailer shall furnish the retailer with an invoice of sale setting forth the retailer's maximum reselling price, and stating that the retailer is required by this order to attach to each bath robe before sale a tag or label containing the following:

OPA ceiling price_____ 87.0

(e) Tagging. Any person who sells the bath robe described in paragraph (b) at retail shall attach to each bath robe before sale a tag or label which plainly states the retail ceiling price.

(f) Definition. (1) "Retailer" means

(f) Definition. (1) "Retailer" means any person whose sales to purchasers for use constitute a substantial part of his total sales.

(2) "Wholesaler" means any person other than a manufacturer who distributes or sells bath robes to purchasers other than consumers.

(g) Relation to other regulations and orders. This order with respect to the bath robes it covers supersedes the General Maximum Price Regulation and orders issued thereunder, and orders issued under Supplementary Order 94.

(h) Revocation and amendment. This order may be revoked or amended at any time.

This order shall become effective February 10, 1945.

Issued this 9th day of February 1945.

CHESTER BOWLES,
Administrator.

[F. R./Dgc. 45-2334; Filed, Feb. 9, 1945; 11:34 a.m.]

[LIPR 120, Order 1279]

SUMMYSIDE COAL MINING CO.

ESTABLISHMENT OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and in accordance with § 1340.210 (a) (6) of Maximum Price Regulation No. 120, It is ordered:

(a) The Koppel Mine of Sunnyside Coal Mining Company, Darlington, Pennsylvania, is hereby assigned Mine Index No. 4257 and its coals are classified in Railroad Fuel Price Group No. 10 and Maximum Truck Price Group No. 4.

(b) Coals produced by Sunnyside Coal Mining Company from the No. 3 Seam at its Koppel Mine, a strip mine, Mine Index No. 4257, located in Beaver County, Pennsylvania, in Subdistrict No. 1 of District No. 2, are hereby classified as follows and may be purchased and sold for the indicated uses and movements at per net ton prices in cents per net ton not exceeding the following:

	Size Group No.										
	1	2	8	4	Б	6	۳7	8	9	10	11
Price classification. Rail shipment. Truck shipment. Railroad fuel.	D 310 415 310	D 310 415 310	O 310 415 310	O 310 400 310	B 310 375 310	B 300 375 300	B 278 375 275	B 275 305 275	B 260 265 260	265 245	245

The above prices for rail shipments and railroad fuel are for strip mined raw coal.

(c) The prices established herein are f. o. b. the mine or preparation plant for truck shipments, and f. o. b. the rail shipping point for rail shipments and for railroad fuel.

(d) All prayers of applicant not granted herein are hereby denied.

(e) This order may be revoked or amended at any time.

(f) Unless the context otherwise requires, the definitions set forth in § 1340.208 of Maximum Price Regulation No. 120 shall apply to terms used herein.

This order shall become effective February 10, 1945.

(56 Stat. 23, 765; 57 Stat. 566; Pub. Law 383, 78th Cong., E. O. 9250, 7 F.R. 7871, E. O. 9328, 8 F.R. 4681)

Issued this 9th day of February 1945.

CHESTER BOWLES, Administrator

[F R., Doc. 45-2335; Filed, Feb 9, 1945; 11:34 a. m.]

[MPR 188, Order 3383] Strickland Furniture-Co.

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of MPR 188; It is ordered.

(a) This order establishes maximum prices for sales and deliveries of certain articles of furniture manufactured by Strickland Furniture Company, High Point, North Carolina.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below.

Article	Model No	Manufacturer's maximum price to persons other than retailers who sell from their own stock	Manufacturer's maximum price to persons other than retailers who sell from the manufacturer's stock	Maximum price for sales to re taliers by the manufacturer and by persons other than refailers who soil from the manufacturer's stock
7-drawer kneehole desk with closed panel back	103	Each \$40	Each \$42.50	Each \$50
desk with closed flush panel back	104	44	46.75	55

These prices are f. o. b. factory and are subject to a cash discount of two percent for payment within ten days, net thirty days, and are for the articles specified in the manufacturer's application dated January 31, 1945, and the samples submitted therewith, described as follows:

103 KNEEHOLE DESK

Overall dimension: 46" long by 23" wide by 30" high.

Top: Size-46" x 23" x 13/16" made of 5-ply sliced Honduras mahogany with inlaid or striped mahogany inlaid face with curved cut-in over center drawer, edge of top moulded.

Drawers: Drawer fronts of 13/16" 5-ply sliced Honduras mahogany. Drawer sides and backs of ½" selected oak. Drawer bottoms of ¼" 3-ply mahogany face veneer. Top edge of drawer fronts shaped. Top edge of drawer sides rounded. Drawer made of dovetail construction. Drawer bottom fitted into grooved sides and ends. Each drawer equipped with center drawer guide. Underside of each drawer to contain twelve glue blocks. All drawer fronts to have a decorative bead mould. All voids or imperfections, resulting from machining of dovetail, to be properly filled before finishing. Interior of all drawers to be sanded and finished. Center drawer to be concave.

Sides: To be of 1316" 5-ply sliced Honduras or striped mahogany face veneer. Exposed edges of sides to have fluting or panel effect.

Back: To be of 1316" 3-ply sliced Honduras

mahogany face veneer.

Base: To be of 136" 5-ply sliced Honduras manogany face veneer. All feet to have good quality glides. Open base.

Hardware: Ornamental metal handles to

be used.

Finish: All exposed finishes to be stained, and have two coats of sealer and two coats of lacquer, all of the best quality, well sanded between each coat and hand-rubbed to a smooth surface. After finishing, all pumice and rubbing material to be removed from corners, grooves and edges.
Other materials: All other unexposed

woods not described above to be of selected

hardwoods.

General construction: Each drawer frame support to be grooved and fitted with a dust panel and to have tongue and groove joints on each corner, well glued and securely fastened to outside, inside and back panels.

Underside of top to be grooved to admit all inside, end and back panels, and well glued. The tops to be securely screwed through the frame.

The base frame to be likewise grooved to admit all panels and be well glued and screwed from underside of frame.

The inside corners of the base to be fitted with glue blocks securely glued and fastened

in corner to support the feet. A suitable strip of moulding applied com-pletely around the desk in line with frame

between top and second drawer. Center drawer frame secured to center panels with at least six screws.

No. 104 KNEEHOLE DESK (Same as No. 103 except)

Back: To be flush panel of 1316" 5-ply sliced Honduras or striped mahogany face veneer.

Base: Closed base of 1316" 5-ply sliced Honduras manogany face veneer applied to panels, mitred at corners, and having a

decorative moulding running the entire perimeter of the desk.

(2) For sales by the manufacturer the maximum prices apply to all sales and deliveries since the effective date of MPR 188. For sales by persons, other than retailers, who sell from the manufacturer's stock, the maximum prices apply to all sales and deliveries after the effective date of this order.

(3) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the fourth pricing method, § 1499.158, of MPR 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices ha/e been authorized by the Office of Price Administration.

(b) At the time of, or prior to, the first invoice to each purchaser, other than a retailer, who sells from the manufacturer's stock, the manufacturer shall notify the purchaser of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(c) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective on the 10th day of February 1945.

Issued this 9th day of February 1945,

CHESTER BOWLES. Administrator

[F. R. Doc. 45-2336; Filed, Feb. 9, 1945; 11:35 a. m.]

[Order 29 Under 3 (e)] TOYAD CORP.

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.3 (e) of the General Maximum Price Regulation, it is ordered:

(a) Applicability of this order order applies to all sales of ladies' artificial breast pads manufactured by the Toyad Corporation, Pittsburgh, Pennsylvania, from neoprene latex, by a molding process.

(b) Maximum prices. The maximum prices for sales of the commodity described in paragraph (a) of this order, are as follows:

To jôbbers and wholesalers..... \$0.36 To retailers At retail_____ . 84

The above prices for sales to jobbers and wholesalers and at wholesale are subject to the cash discount and any transportation allowances the seller had in effect to a purchaser of the same class in March 1942.

(c) With or prior to the first delivery of the ladies' artificial breast pad described in paragraph (a) to a jobber, a wholesaler, or a retailer, the seller shall

give the purchaser a written notice of the maximum retail price applicable thereto. If the purchaser is a wholesaler or jobber, the notification shall include the maximum wholesale price and a statement that such purchaser is required by this order to notify any retailer to whom he sells of the maximum retail price.

(d) This order may be revoked or amended by the Office of Price Adminis-

tration at any time.

This order shall become effective February 10. 1945.

Issued this 9th day of February 1945.

CHESTER BOWLES, Administrator

JF. R. Doc. 45-2337; Filed, Feb. 9, 1945; 11:35 a. m.]

[MPR 528, Order 29]

PHARIS TIRE AND RUBBER CO.

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to Appendix A (d) of Maximum Price Regulation 528, It is ordered.

(a) The maximum retail price for the following new tire shall be as follows:

7.50-16, 4-ply Mud and Snow truck

(b) All provisions of Maximum Price Regulation 528 not inconsistent with this order shall apply to sales covered by this

(c) This order may be revoked or amended by the Office of Price Administration at any time.

This order shall become effective February 10, 1945.

Issued this 9th day of February 1945.

CHESTER BOWLES, Administrator

[F. R. Doc. 45-2338; Filed, Feb. 9, 1945; 11:35 a. m.]

SECURITIES AND EXCHANGE COM-MISSION.

[File No. 70-1013]

ASSOCIATED GAS AND ELECTRIC CO., AND GENERAL GAS AND ELECTRIC CORP.

ORDER GRANTING APPLICATION AND PERMIT-TING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 6th day of February 1945.

In the matter of Stanley Clarke, trustee of Associated Gas and Electric Company, Denis J. Driscoll and Willard L. Thorp, trustees of Associated Gas and Electric Corporation, General Gas & Electric Corporation;

Stanley Clarke, Trustee of Associated Gas and Electric Company, Denis J. Driscoll and Willard L. Thorp, Trustees of Associated Gas and Electric Corporation (Agecorp), and General Gas & Electric Corporation, registered holding companies, having filed a joint applicationdeclaration pursuant to sections 9, 10, 12 (c) and 12 (f) of the Public Utility Holding Company Act of 1935 and Rules U-42 and U-43 promulgated thereunder, regarding the distribution to said Trustees and various subsidiary companies of Agecorp of the proceeds of certain settlements of claims asserted by such Trustees in behalf of their respective estates and their direct and indirect subsidiaries and affiliates against John I. Mange and certain companies and trusts controlled by him and members of his family; Sanford J. Magee; Marguriete G. Burroughs, individually and as administratrix of the Estate of Frederick S. Burroughs; and Daniel Starch; and

Said application-declaration having been filed on January 11, 1945, and notice of said filing having been duly given in the form and manner prescribed in Rule U-23, promulgated pursuant to said act, and the Commission not having received a request for a hearing with respect to said application-declaration within the period specified in said notice, or otherwise, and not having ordered a

hearing thereon; and

The Commission finding that the various acquisitions of the securities proposed to be acquired meet the requirements of section 10 (c) (2), and the Commission observing no basis for adverse findings under sections 10, 12 (c), 12 (f) or other applicable sections of the act:

It is hereby ordered, Pursuant to Rule U-23 and the applicable provisions of said act, that the application-declaration be, and hereby is, granted and permitted to become effective forthwith, subject to the terms and conditions described in Rule U-24.

By the Commission.

[SEAL]

ORVAL L. DUBOIS, Secretary.

[F. R. Doc. 45-2305; Filed, Feb. 8, 1945; 2:40 p. m.]

[File Nos. 70-725, 59-11, 59-17, 54-25]

NORTHERN INDIANA PUBLIC SERVICE Co.,

ORDER MODIFYING CONDITION AND GRANTING EXTENSION OF TIME

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 5th day of February, A. D. 1945.

In the matter of Northern Indiana Public Service Company, La Porte Heat Corporation, File No. 70–725; The United Light and Power Company, et al., File Nos. 59-11, 59-17, 54-25, Application No.

The United Light and Power Company ("Power") a registered holding company, and La Porte Gas and Electric Company ("La Porte") a subsidiary thereof, having filed applications and declarations and amendments thereto pursuant to sections 11, 12 (c), 12 (d) and 12 (f) of the Public Utility Holding Company Act of 1935, and Rules U-42,

U-43, U-44, and U-46 promulgated thereunder, with respect to the sale by La Porte of its electric, gas and heat properties to Northern Indiana Public Service Company ("Northern") a subsidiary of Clarence A. Southerland and Jay Samuel Hartt, Trustees of the Estate of Midland Utilities Company, and La Porte Heat Corporation, a subsidiary of Northern, and with respect to the dissolution and liquidation of La Porte; and

The Commission having by order dated December 7, 1943, granted the applications and permitted the declarations to become effective subject to the terms and conditions among others prescribed in Rule U-24; and having by subsequent orders extended the time within which the transactions might be consummated to

February 5, 1945; and

Request having been made that the time within which certain transactions necessary to complete the liquidation and dissolution of La Porte be extended to April 6, 1945, the sale of its properties and all other transactions contemplated in the applications and declarations having been consummated; and

The Commission having considered such request and deeming it appropriate

that it be granted.

It is ordered, That the conditions contained in the order of December 7, 1943, be and hereby are modified to the extent necessary to extend the time within which the remaining transactions proposed in the applications and declarations may be consummated, to April 6, 1945.

By the Commission.

[SEAL]

ORVAL L. DUBOIS, Secretary.

[F. R. Doc. 45-2308; Filed, Feb. 8, 1945; 2:40 p. m.]

[File No. 54-74, 59-69]

NORTH CONTINENT UTILITIES CORP. ET AL.

ORDER GRANTING EXTENSION OF TIME

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 6th day of February, A. D. 1945.

The Commission having by order dated November 16, 1943, entered pursuant to section 11 (b) of the Public Utility Holding Company Act of 1935, directed that North Continent Utilities Corporation, a registered holding company shall take such action as may be necessary to cause its liquidation and dissolution; and

North Continent Utilities Corporation having filed an application, pursuant to section 11 (c) of the act, requesting an extension of time for one year within which to comply with said order of November 16, 1943; and

A public hearing having held after appropriate notice and the Commission having examined the record and having made and filed its opinion herein; and

The Commission having found that North Continent Utilities Corporation has been unable in the exercise of due diligence to comply with said order within the initial statutory period of one year from the date thereof, and that a limited extension of time is necessary and appropriate in the public interest and for the protection of investors and consumers; and that under the circumstances an extension should be granted for a period of six months;

It is ordered, That North Continent Utilities Corporation be and hereby is granted an additional period of six months from November 16, 1944, within which to comply with said order of November 16, 1943, without prejudice, however, to the applicant to apply for an additional extension if the circumstances warrant.

By the Commission.

[SEAL]

ORVAL L. DuBois, Secretary.

[F R. Doc. 45-2307; Filed, Feb. 8, 1945; 2:40 p.m.]

[File No. 1-1905]

SUBURBAN ELECTRIC SECURITIES Co.

FINDINGS AND ORDER DISMISSING
PROCEEDINGS

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the sixth day of February, A. D. 1945.

In the matter of proceeding under section 19 (a) (2) of the Securities Exchange Act of 1934, as amended, to determine whether the registration of Suburban Electric Securities Company, second preferred shares, \$4.00 per year cumulative, no par value common shares, no par value should be suspended or withdrawn, File No. 1–1905.

This proceeding was instituted by the Commission pursuant to section 19 (a) (2) of the Securities Exchange Act of 1934 to determine whether it is necessary or appropriate for the protection of investors to suspend for a period not exceeding twelve months or to withdraw the registration of the second preferred shares, \$4.00 per year cumulative, no par value, and the common shares, no par value, of Suburban Electric Securities Company (hereinafter called the registrant) on the Boston Stock Exchange, a national securities exchange.

The registrant filed an application with the Commission on or about July 13, 1935 for registration of its second preferred shares, \$4.00 per year cumulative, no par value and common shares, no par value, on the Boston Stock Exchange. The Exchange certified to the Commission approval of these securities for listing and registration, and registration became effective pursuant to section 12 (d) of the act on or about August 12, 1935.

The order of May 19, 1944 instituting this proceeding set forth as the issues to be determined in the hearing:

(1) Whether the registrant has failed to comply with the provisions of section 13 of the act in that it failed to file its annual reports for the years ended December 31, 1942 and 1943 within the time prescribed to file such reports, and has

failed to file such annual reports at any later date; and

(2) Whether the registrant has failed to comply with the provisions of section 13 of the act in that the annual reports on Form 11-K filed by it for the years ended December 31, 1938, 1939, 1940, and 1941

(a) Contain financial statements which at the time and in the light of the circumstances, were false and misleading with respect to material facts, to wit: (1) the balance sheets dated December 31, 1938, December 31, 1939, December 31, 1940 and December 31, 1941 fail to recognize in the accounts of the registrant a substantial impairment of its investments in its subsidiary companies, Middlesex and Boston Street Railway Company and Norumbega Park Company, (2) the statements of profit and loss of the registrant for the years ended December 31, 1938, December 31, 1939, December 31, 1940 and December 31, 1941 include as mcome, interest on indebtedness of its subsidiary Middlesex and Boston Street Railway Company, although the investment of the registrant was substantially impaired during those years, and the said subsidiary reported a net loss for each of those years, and (3) the financial statements of Middlesex and Boston Street Railway Company for the years ended December 31, 1938, December 31, 1939, December 31, 1940 and December 31, 1941 disclose no depreciation was provided on certain depreciable assets of the Middlesex and Boston Street Railway Company and

(b) Fail to include remuneration received directly or andirectly by John P Carr, Secretary of the registrant, as required by Item 10 of Form 11-K.

After appropriate notice to the registrant, the Boston Stock Exchange and the public, a hearing was held before a trial examiner at Boston, Massachusetts on June 2, July 18, and September 15, 1944. Counsel for the registrant and for the Commission waived any advisory report by the trial examiner.

We find that the registrant did not file its annual reports on Form 11-K for the years ended December 31, 1942 and December 31, 1943, within the time specified by the Commission's rules, and that the registrant has therefore failed to comply with section 13 and the rules, regulations and forms promulgated thereunder. However, on September 13, 1944, before the hearing in this matter was closed. the registrant filed its annual reports for the years ended December 31, 1942 and 1943. The contents and accuracy of these two annual reports, which were not filed by the due date, were not in issue in this proceedings.

We find also that the annual reports on Form 11-K filed by the registrant for the years ended December 31, 1938, 1939, 1940 and 1941 failed to comply with the provisions of section 13 of the act and the rules, regulations and forms promulgated thereunder, in the respects set forth above. On September 11 and 13, 1944, the registrant filed amendments to its annual reports on Form 11-K for the years ended December 31, 1938, 1939, 1940 and 1941. The revised financial statements of the registrant contained

in these amendments recognize the substantial impairment of the investments in the registrant's subsidiary companies. Middlesex and Boston Street Railway Company and Norumbega Park Company, by providing a reserve to reduce the net amount of the investments to the amount of the parent's equity in net assets of subsidiaries. Consolidated financial statements, which include the accounts of the registrant and its two subsidiaries, have been filed. These statements include provisions for depreciation of all classes of depreciable assets owned by Middlesex and Boston Street Railway Company during the period in which financial statements have been filed with this Commission. In addition, a substantial amount of "abandoned property" which was formerly carried as an asset in the accounts of Middlesex and Boston Street Railway Company, has been eliminated. This elimination removes the necessity of amortizing the amount by charges to income, with the result that annual net profits rather than annual net losses are reported by the subsidiary. The interest paid to the parent company accordingly appears to be earned by the subsidiary under the revised method of accounting. Item 10 in these annual reports on Form 11-K has been amended to disclose the re-muneration of John P Carr in his capacity as counsel for the registrant and its subsidiaries for the periods covered by such reports. We find, therefore, that the annual reports of the registrant for the years ending December 31, 1938, 1939, 1940 and 1941, as amended, now appear to comply with the provisions of section 13 of the act and the rules, regulations, and forms promulgated thereunder.

The annual reports for the years ending December 31, 1942 and 1943 are now on file with the Commission together with the registration statement and amended annual reports filed by the registrant for prior years, and the registrant will be obligated to keep this information current as long as its securities remain registered. Under the circumstances, therefore, we do not find it necessary or appropriate for the protection of investors to suspend or withdraw the registration of these securities.

It is therefore ordered, That the instant proceeding to suspend or withdraw the registration of the second preferred shares, \$4.00 per year cumulative, no par value, and common shares, no par value, of Suburban Electric Securities Company on the Boston Stock Exchange be dismissed forthwith. This order is, of course, without prejudice to the institution of a subsequent proceeding under section 19 (a) (2) if it appears that the registrant has failed in any other respect to comply with any provisions of the act or any of the Commission's rules or regulations thereunder.

By the Commission.

[SEAL] ORVAL L. DuBois, Secretary.

[F. R. Doc. 45-2308; Filed, Feb. 8, 1945; 2:41 p. m.]

[File No. 68-39]

SCRANTON-SPRING BROOK WATER SERVICE CO.

ORDER DENYING EFFECTIVENESS TO DECLARA-TION AND RENDERING INAPPLICABLE EX-CEPTION FROM RULE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 6th day of February, A. D. 1945.

In the matter of Thos. J. Walsh, et al. as a protective committee for preferred stockholders of Scranton-Spring Brook Water Service Company, File No. 68–39.

Thos. J. Walsh, Fisher P. Weaver, and Homer Reed, acting as a committee, having filed a declaration pursuant to section 12 (e) of the Public Utility Holding Company Act of 1935 and Rule U-62 of the General Rules and Regulations promulgated thereunder, in respect of the proposed solicitation by said committee of authorizations from holders of the \$6 and \$5 cumulative preferred stock of Scranton-Spring Brook Water Service Company

A hearing having been held after appropriate notice, and the Commission being duly advised and having this day issued its findings and opinion herein;

On the basis of said findings and opinion, and pursuant to section 12 (e) of the act and Rule U-62 promulgated thereunder.

It is ordered, That effectiveness to the declaration filed herein be, and it is hereby, denied.

It is further ordered, That the exception provided in paragraph (b) (1) of Rule U-62, relating to the solicitation of not more than twenty-five owners of securities or claims, be, and it is hereby, rendered inapplicable to said committee.

By the Commission.

[SEAL]

ORVAL L. DuBois, Secretary.

[F. R. Doc. 45-2309; Filed, Feb. '8, 1945; 2:41 p. m.]

[File Nos. 54-9 and 59-2]

AMERICAN GAS AND ELECTRIC CO., ET AL.

NOTICE OF AND ORDER RECONVENING HEARING
AND STATEMENT OF TENTATIVE CONCLUSIONS OF THE COMMISSION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 6th day of February, A. D. 1945.

In the matter of American Gas and Electric Co., American Gas and Electric Service Corp., Appalachian Electric Power Co., West Virginia Power Co., Radford Limestone Co., Inc., Atlantic City Electric Co., Deepwater Operating Co., South Pennsgrove Realty Co., The Franklin Real Estate Co., Indiana Franklin Realty, Inc., Indiana General Service Co., Indiana & Michigan Electric Co., Kanawha Valley Power Co., Kentucky and West Virginia Power Co., Inc., Kingsport Utilities, Inc., The Ohio Power Co., The Duncan Falls Co., Beech Bottom Power Co., Inc., Windsor Power House

Coal Co., Windsor Coal Co., The Peakland Corp., St. Joseph Heating Co., The Scranton Electric Co., Southern Ohio Public Service Co., Twin Branch Railroad Co., West Pittston-Exeter Railroad Co., and Wheeling Electric Co., File Nos. 54-9 and 59-2.

The Commission having on December 1, 1939 issued its notice of and order for hearing (Holding Company Act Release No. 1815) in the above-entitled matter, involving an application of American Gas and Electric Company filed under section 11 (e) of the Public Utility Holding Company Act of 1935 and a proceeding, consolidated therewith, instituted by the Commission pursuant to section 11 (b) of said act, for the purpose, in part, of determining the action which American Gas and Electric Company and its subsidiary companies should be required to take to conform the operations of the American Gas and Electric holding company system to the standards of section 11 (b) (1) of the Public Utility Holding Company Act of 1935; and

Said hearings having been commenced and American Gas and Electric Company and its subsidiary companies having introduced testimony with respect to the development, functions and interrelations of their properties and operations and with respect to other related matters; and

The Commission having deemed it appropriate that no further action should for the time being be taken in connection with the said proceedings and that said proceedings should be held in abeyance until the Commission had had the opportunity of considering and passing upon similar problems with respect to the administration of section 11 presented by related cases then pending and said proceedings having been so held in abeyance, for the aforesaid reason, until the present time; and

It appearing to the Commission that the hearing in the above-entitled matter should now be reconvened; and

It further appearing to the Commission that it would be appropriate and in the interest of expedition for the Commission to indicate the tentative conclusions which it has reached as a result of its consideration of the material and testimony contained in the record herein, as well as additional material contained in its official files with respect to the American Gas and Electric Company and its subsidiary companies, which tentative conclusions are as follows:

(1) That the properties and operations of the following companies comprising the so-called "Central System" of American Gas and Electric Company may be retained under common control under the standards of section 11 (b) (1) of the act:

Appalachian Electric Power Co., West Virginia Power Co., Indiana & Michigan Electric Co., Kanawha Valley Power Co., Kentucky & West Virginia Power Co., Inc., Kingsport Utilities, Inc., The Ohio Power Co. (except for water service properties), Eccch Bottom Power Co., Inc., Windsor Power House Coal Co., Southern Ohio Public Service Co., Twin Branch Railroad Co., Wheeling Electric Co., and American Gas and Electric Service Corporation (to the extent of performing services for the above-named companies).

(2) That the properties and operations of the following companies cannot, under the standards of section 11 (b) (1) be retained under common control with those set forth in (1) above, and American Gas and Electric Company must divest itself of all of its interest, direct and indirect, therein if the properties and operations of the companies set forth in (1) above are to be retained by it:

Atlantic City Electric Co., Deepwater Operating Co., South Pennsgrove Realty Co., The Scranton Electric Co., West Pittston-Exeter Railroad Co., Radford Limestone Co., Inc., The Franklin Real Estate Co., Indiana Franklin Real Estate Co., The Duncan Falls Co.

It is ordered, That the hearing in the above-entitled matter be reconvened on March 6, 1945, at 10:00 a. m., of such day at the offices of the Securities and Exchange Commission, 18th and Locust Strec's, Philadelphia, Pennsylvania. On such day the hearing room clerk in Room 318 will advise as to the room in which such reconvened hearing shall be held. The purpose of said reconvened hearing shall be to complete the record herein so as to permit a determination by the Commission as to whether the said tentative conclusions as set forth herein shall be adopted as the conclusions of the Commission or whether such tentative conclusions should be modified or any conditions should be imposed in connection therewith in any order to be issued by the Commission herein under section 11 (b) (1) of the act.

It is further ordered, That any person desiring to be heard in connection with these proceedings or proposing to intervene herein shall file with the Secretary of the Commission on or before the 3d day of March, 1945, his request or application therefor as provided by Rule XVII of the rules of practice of the Commission. Any such request may state the position of the applicant with respect to the tentative conclusions of the Commission set forth herein and with respect to what action is believed necessary to be taken by any of the companies named herein to comply with section 11 (b) (1) of the act.

It is further ordered, That the Secretary of the Commission shall serve notice of the action taken herein by mailing a copy of this notice and order for hearing to American Gas and Electric Company and its subsidiary companies named herein, to the Public Service Commissions of the States of Indiana, Kentucky, Michigan, Ohio and West Virginia, the Public Utilities Commission of the State of Ohio, the State Corporation Commission of the State of Virginia, the Railroad and Public Utilities Commission of the State of Tennessee, the Public Utility Commission of the State of Pennsylvania and the Board of Public Utility Commissioners of the State of New Jersey not less than 20 days prior to the date hereinbefore fixed as the date of the reconvened hearing; and that notice of the said action taken herein is hereby given to American Gas and Electric Company and its subsidiaries, to their security holders, and to all consumers or subsidiaries of American Gas and Electric Company, to all state municipalities and political sub-divisions of the States within which are located any of the physical assets of said companies or under the laws of which any of said companies is incorporated, all State Commissions, State Securities Commissions and all agencies, authorities and instrumentalities of one or more states, municipalities or other political sub-divisions having jurisdiction over American Gas and Electric Company or its subsidiaries or any of the business affairs or operations of any of them: that such notice shall be given further by a general release of the Commission, distributed to the press and mailed to the mailing list for releases 1ssued under the Public Utility Holding Company Act of 1935; and that further notice be given to all persons by publication of this notice and order in the FEDERAL REGISTER not later than 20 days prior to the date hereinbefore fixed as the date of hearing.

By the Commission.

[SEAL]

ORVAL L. DuBois, Secretary.

[F R. Doc. 45-2310; Filed, Feb. 8, 1945; 2:41 a. m.]

[File Nos. 34-9, 34-41, 70-28]

FEDERAL WATER SERVICE CORP., ET AL

ORDER DENYING APPLICATION AND REAPPROV-ING PLAN

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 7th day of February, A. D. 1945.

In the matter of Federal Water Service Corporation, Utility Operators Company and Federal Water and Gas Corporation, File Nos. 34–9, 34–41, 70–28.

Federal Water and Gas Corporation having filed an application for the Commission's approval of an amendment to a plan of reorganization of the applicant's predecessor, Federal Water Service Corporation, under the Public Utility Holding Company Act of 1935;

The Commission having, by order dated September 24, 1941 (Holding Company Act Release No. 3023) approved the plan of Federal Water Service Corporation as constituted on that date, and having been informed that the transactions contemplated by said plan have been consummated except for certain transactions which are the subject matter of the present application;

A question having been raised by the applicant as to whether the effect of

the mandate of the Court of Appeals for the District of Columbia was to set aside in its entirety the Commission's said order of September 24, 1941, and if so, whether the Commission should not reapprove the plan to the extent that it has already been carried out, in addition to approving the pending amendment:

Hearings having been held after appropriate notice, and the Commission being duly advised and having this day issued its findings and opinion herein;

On the basis of said findings and opinion, and pursuant to the provisions of sections 7 (d) (6) (7) (e) and 11 (e) of said act.

It is ordered, That the application to amend said plan of reorganization be and hereby is denied;

It is further ordered, That the plan of reorganization heretofore approved by the Commission's order of September 24, 1941, and the transactions contemplated by said plan, be and hereby are reapproved as of September 24, 1941, as more particularly set forth in said order

By the Commission.

[SEAL]

ORVAL L. DuBois, Secretary.

[F. R. Doc. 45-2319; Filed, Feb. 9, 1945; 9:29 a. m.]

[File Nos. 70-930, 70-934]

NIAGARA HUDSON, POWER CORP.

ORDER GRANTING APPLICATIONS AND PERMITTING DECLARATIONS TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 7th day of February 1945.

In the matters of Niagara Hudson Power Corporation, New York Power and Light Corporation and Hudson Valley Fuel Corporation, File-No. 70–930; New York Power and Light Corporation and Niagara Hudson Power Corporation, File No. 70–934.

Niagara Hudson Power Corporation ("Niagara Hudson") a subsidiary of The United Corporation, a registered holding company, New York Power and Light Corporation ("New York Power") and Hudson Valley Fuel Corporation ("Hudson Valley"), both of the latter companies being subsidiaries of Niagara Hudson Panies

son, having filed joint applications and declarations and amendments thereto pursuant to sections 6 (b), 9, 10 and 12 of the Public Utility Holding Company Act of 1935 and Rule U-43 thereunder regarding the sale by Niagara Hudson to New York Power of all the outstanding securities of Hudson Valley, consisting of 67,000 shares of common stock (without par value) in consideration for the issue and transfer to Niagara Hudson by New York Power of 192,105 shares of the latter's no par common stock having a stated value of \$6,700,000, and regarding the merger thereafter of Hudson Valley into New York Power;

Niagara Hudson, New York Power and Hudson Valley, having requested that the Commission enter herein its order finding that the contemplated transactions proposed are necessar; or appropriate to effectuate the provisions of section 11 (b) of the act, and that such order conform to the pertinent requirements of the Internal Revenue Code, as amended, including sections 1808 (f) and 373 (a), and

A public hearing having been held on the applications and declarations, as amended, and the Commission having considered the record and having made and filed its findings and opinion herein;

It is ordered, That the said applications and declarations, as amended, be, and the same hereby are, granted and permitted to become effective forthwith, subject to the terms and conditions contained in Rule U-24, and subject to the further condition that the applicants and declarants obtain from the Public Service Commission of the State of New York a final order approving the merger of New York and Hudson Valley.

It is further ordered, That the sale by Niagara Hudson to New York Power of all the outstanding securities of Hudson Valley, consisting of 67,000 shares of common stock (without par value), in consideration for the issue and transfer to Niagara Hudson by New York Power of 192,105 shares of the no par common stock of New York Power, having a stated value of \$6,700,000, is necessary or appropriate to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935.

By the Commission.

[SEAL]

ORVAL L. DuBois, Secretary.

[F. R. Doc. 45-2320; Filed, Feb. 9, 1945; 9:29 a. m.]